

elect to be deemed an owner-operator without the demonstration of further competence.

Patron - Marshall, R.G.

HB334 Abortion; informed consent. Requires information on the effects abortion may have on future pregnancies to be included in the information required for informed consent.

Patron - Marshall, R.G.

HB345 Medicaid; withdrawal upon passage of federal health reform. Requires the state to withdraw from the Medicaid program upon passage of federal health care reform that substantially diminishes the state's authority in administering medical services through the Medicaid program using one or more of the following measures: a reduced ability to serve the state's children through the SCHIP program rather than through Medicaid, requirements to cover individuals at higher income levels than currently required, increased federal review of reimbursements made to Medicaid providers, additional mandates of services currently allowed under the Medicaid program at the state's option, additional federal review of managed care networks, additional federal review of Medicaid eligibility determinations, and any other measure that, in the opinion of the Attorney General, substantially reduces the state's authority in administering medical assistance through the Medicaid program.

Patron - Marshall, R.G.

HB393 Abortion clinics; licensure and regulation. 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 regulated by the Board of Health.

Patron - Lohr

HB410 Certificate of Public Need; exception. Requires the Commissioner of Health to accept and review applications for certificates of public need and issue certificates of public need for the relocation of no more than 10 beds or 10 percent of the beds, whichever is less, from one facility to another facility under common ownership or control that is located in an adjacent planning district provided that it is in compliance with all other laws and regulations governing such facilities and, as of December 31 of the year preceding the year in which relocation is proposed, (i) the occupancy rate of the facility from which beds are to be relocated was, based upon the total number of beds for which the facility is licensed, less than 90% for that preceding year and (ii) the average occupancy rate of the facility to which beds are to be relocated was, based upon the total number of beds for which the facility is licensed, 95% or more over the previous two years.

Patron - Oder

HB452 Registration of limited service pregnancy centers. Requires the Department of Health to promulgate regulations for the registration of limited service pregnancy centers. This bill is identical to SB 188.

Patron - Herring

HB463 Hospital emergency departments; access to electronic health records. Requires the Board of Health to include in regulations a requirement that all hospitals operating emergency departments develop and maintain a health information system that allows for the creation of electronic health records for patients, and the sharing of electronic health records with other hospitals operating emergency departments.

Patron - Herring

HB525 Notification of breach of medical information. Requires notification to residents of the Commonwealth if their unredacted or unencrypted medical information or insurance information is the subject of a database breach. The notification required by this section would apply only to entities not subject to federal medical information database breach notification regulations. This bill has been incorporated into HB 1039.

Patron - Nixon

HB686 Eliminating requirement for HPV vaccine. Eliminates the requirement of the human papillomavirus vaccine (HPV) for females.

Patron - Miller, J.H.

HB842 Health care facilities; licensure fees. Allows the Board of Health to establish annual licensure and renewal fees for certain health care facilities and programs and to set additional fees to cover the cost of the licensure and inspection programs. Also, directs the Board to promulgate regulations establishing such fees by July 1, 2012, and sets temporary fees until that time.

Patron - Hope

HB897 Lyme disease; reporting and treatment. Requires the Board of Health to include Lyme disease on the list of diseases required to be reported, and allows a licensed physician to prescribe, administer or dispense long-term antibiotic therapy to a patient diagnosed with Lyme disease. Also specifies that the Board of Medicine shall not initiate a disciplinary action against a licensed physician solely for prescribing, administering, or dispensing long-term antibiotic therapy to a patient clinically diagnosed with Lyme disease, provided such clinical diagnosis and treatment has been documented in the patient's medical record by such licensed physician. This bill was incorporated into HB 512.

Patron - Comstock

HB1017 Lyme disease; reporting and treatment. Requires the Board of Health to include Lyme disease on the list of diseases required to be reported, and allows a licensed physician to prescribe, administer or dispense long-term antibiotic therapy to a patient diagnosed with Lyme disease. Also specifies that the Board of Medicine shall not initiate a disciplinary action against a licensed physician solely for prescribing, administering, or dispensing long-term antibiotic therapy to a patient clinically diagnosed with Lyme disease, provided such clinical diagnosis and treatment has been documented in the patient's medical record by such licensed physician. This bill was incorporated into HB 512.

Patron - Hugo

HB1025 Medical assistance services; provision of speech-language therapy. Requires the Board of Medical Assistance Services to include a provision for medical assistance for speech-language therapy services provided by an auditory verbal therapist or other qualified person under the supervision of a licensed audiologist or speech-language pathologist.

Patron - Hugo

HB1288 Lyme disease; reporting; registry. Provides that the Board of Health shall include Lyme disease on the list of diseases required to be reported, and directs the Department of Health to develop a Lyme Disease Registry to collect information about reported incidents of Lyme disease. This bill was incorporated into HB 512.

Patron - Plum

[F]SB58 Certificate of Public Need; exception. Requires the Commissioner of Health to accept and review applications and authorizes the Commissioner of Health to issue certificates of public need for the addition of up to 10 Medicaid-eligible beds for nursing homes that are operated not for profit, are located in Planning District 15 but accept patients from areas of the Commonwealth outside of the planning district, and provide care for patients regardless of ability to pay. This bill is identical to HB 148.

Patron - Martin

[F]SB188 Registration of limited service pregnancy centers. Requires the Department of Health to promulgate regulations for the registration of limited service pregnancy centers. This bill is identical to HB452.

Patron - Northam

[F]SB224 Notification of breach of medical information. Requires notification to residents of the Commonwealth if their unredacted or unencrypted medical information or insurance information is the subject of a database breach. The notification required by this section would apply only to entities not subject to federal medical information database breach notification regulations. This bill has a delayed effective date of January 1, 2011. This bill is identical to HB 1039.

Patron - Barker

[F]SB358 Certificate of public need; schedule of fees. Increases the maximum amount of fees for an application for a certificate of public need from \$20,000 to \$50,000 and provides that such fees shall be divided equally between the Department of Health and the regional health planning agencies, with the allocation among the regional health planning agencies based on population, except that when a region does not have a regional health planning agency, the Department shall retain fees that would have been distributed to that regional health planning agency.

Patron - Howell

[F]SB438 Vital records; fees. Provides that the Board of Health shall prescribe a fee of \$20 for a certified copy of a vital record or for a search of the files or records and may assess a fee of \$9 plus any costs associated with online identity verification and expedited mailing for any request for an expedited vital records search. This bill also provides that \$8 of each fee collected shall be deposited into the special funds of the Division of Vital Records, \$8 into the special funds of the Office of the Chief Medical Examiner, \$2 into the special funds of the Department of Health to be used to fund health care services, and \$2 into the Vital Statistics Automation Fund.

Patron - Northam

[F]SB448 Alternative onsite sewage systems. Allows any locality to enact an ordinance prohibiting the use of alternative onsite sewage systems that have been approved by the Virginia Department of Health for use in the particular circumstances and conditions in which the proposed system is to be operating when sewers or sewerage disposal facilities are not available.

Patron - Stuart

[F]SB536 Health; water quality analysis. Adds Bedford County to the list of localities that may, by ordinance, establish testing requirements for compliance with existing federal or state drinking water quality standards for building permit applicants that propose to use private ground water wells.

Patron - Newman

Carried Over

[C]HB301 Autopsy; retention and disposal of specimens. Authorizes the Chief Medical Examiner, assistant chief medical examiners, or their designees to perform an autopsy or examination they deem necessary and in the public interest to determine the identity or cause of death of the decedent, or to obtain evidence for forensic examination. This bill also provides that specimens collected during an autopsy or examination may be retained and shall be disposed of in accordance with state and federal law.

Patron - O'Bannon

[C]HB347 Discharge of ambulatory individual following anesthesia. Requires all hospitals to develop written procedures for the discharge of individuals who have undergone procedures requiring general anesthesia or moderate or heavy sedation and who have expressed a wish to be transported from the hospital to their home or other location by public carrier or taxicab.

Patron - Watts

[C]HB698 Licensure of nursing homes, assisted living facilities, adult day care centers, and child day centers; emergency plans. Requires applicants for licensure of any nursing home, assisted living facility, adult day care center, or child day center to submit emergency plans to the local emergency management agencies for review and acceptance before a license will be issued.

Patron - Bulova

[C]HB1097 Local health directors. Provides that the Commissioner of Health may appoint a non-physician qualified by experience in the fields of public health and management to serve as local health director for a locality that has entered into a contract with the Board of Health for operation of the local health department or as district health director for a health district. This bill requires that when the Commissioner appoints a non-physician qualified by experience in the fields of public health and management to serve as local health director, the local governing body of the county or city shall adopt a resolution affirming the appointment of a non-physician to serve as local health director and agreeing to employ or contract with a physician licensed to practice medicine in the Commonwealth to carry out public health duties that require a license to practice medicine. When the Commissioner appoints a non-physician qualified by experience in the fields of public health and management to serve as district health director, the local governing body of each county or city included in the health district shall adopt the required resolution.

Patron - Sickles

[C]SB266 FAMIS eligibility. Changes the eligibility for the Family Access to Medical Insurance Security Plan from children in families with an income at or below 200 percent of the federal poverty level to those with an income at or below 225 percent of the federal poverty level. The provisions of this act will only become effective upon an appropriation of funds effectuating the purposes of the act passed by the 2010 Session of the General Assembly.

Patron - Whipple

[C]SB567 Adult adoptee access to original birth certificate. Grants adult adoptees 18 years of age or older by-right access to their original birth certificate.

Patron - Ticer

[C]SB639 Health records; penalty for delay. Provides that any health care entity that fails to respond to a request for

copies of health records within 15 days, as required by law, shall be subject to a fine, as set by the Board of Health.

Patron - McEachin

[C]SB697 Medicaid; managed care. Directs the Department of Medical Assistance Services to continue efforts to expand managed care of Medicaid recipients throughout the Commonwealth, to the extent possible. The Department shall have a goal of achieving statewide managed care by July 1, 2012.

Patron - McWaters

Highways, Bridges and Ferries

Passed

[P]HB197 Acceptance of subdivision streets into state secondary highway system. Provides that any street or segment of a street within a network addition that meets one or more of the public service requirements addressed in the regulations can be accepted into the secondary system, provided that the network addition satisfies all other requirements adopted pursuant to this section. In cases where a majority of the lots along the street or street segment remain undeveloped and construction traffic is expected to utilize that street or street segment after acceptance, the bonding requirement for such street or street segment may be required by VDOT to be extended for up to one year beyond that required in the secondary street acceptance requirements.

Patron - Ware, R.L.

[P]HB209 Outdoor signs and advertising. Provides that all penalties and costs collected for violations of advertising provisions when the locality has entered into an agreement with the Commonwealth Transportation Commissioner shall be paid to the affected locality. Excludes signs and advertising erected only from Saturday through the following Monday from those agreements with the Commissioner.

Patron - Bulova

[P]HB214 HOV lanes; use by vehicle with clean special fuel license plates. Extends until July 1, 2011, the sunset on use of HOV lanes by clean special fuel vehicles, regardless of the number of occupants. This bill incorporates HB 320 and HB 980.

Patron - Greason

[P]HB222 Secondary highway system design standards. Provides that for urban and urban development areas in jurisdictions using the urban county executive form of government, the Virginia Department of Transportation shall work in conjunction with the jurisdiction and the Department of Rail and Public Transportation to review new design standards for state secondary highway system components that the jurisdiction proposes.

Patron - Watts

[P]HB402 Hampton Roads Bridge-Tunnel; unsolicited proposals. Directs the Virginia Department of Transportation to accept for review unsolicited proposals to add capacity to the Hampton Roads Bridge-Tunnel.

Patron - Oder

[P]HB418 Commonwealth Transportation Board; rules and regulations. Provides that any rules and regulations promulgated by the Commonwealth Transportation Board shall

be developed in accordance with the Administrative Process Act. This bill is the same as SB 255.

Patron - Oder

[P]HB421 Allocation by CTB of funds for transit projects. Provides that prior to the annual adoption of the Six-Year Improvement Program, the Commonwealth Transportation Board may allocate up to 20 percent of the funds in the Commonwealth Mass Transit Fund designated for capital purposes to transit operating assistance if operating funds for the next fiscal year are estimated to be less than the current fiscal year's allocation, to attempt to maintain transit operations at approximately the same level as the previous fiscal year.

Patron - Hope

[P]HB516 Condemnations; highway construction. Identifies VDOT as the party responsible for compiling interest accrued when the amount of an award in a highway construction-related condemnation proceeding is greater than that deposited with the court or through a certificate of deposit. This bill is the same as SB 405.

Patron - Rust

[P]HB530 "Historic Route 1." Designates U.S. Route 1 in Virginia as "Historic Route 1."

Patron - Nixon

[P]HB564 Norfolk/Virginia Beach light rail project. Provides that funds for the Norfolk/Virginia Beach light rail project will be expended in accordance with Federal Transit Administration requirements, notwithstanding any contrary provision of law.

Patron - Tata

[P]HB631 Commonwealth Transportation Commissioner; advertising for bids; construction. Provides that the Commonwealth Transportation Commissioner may let projects costing below \$300,000 to contract. The bill further provides that the Commissioner may, at his discretion, build or maintain any of the roads by state or local employees as he may designate in cases of emergency or on projects costing not more than \$600,000. This bill is identical to SB 254.

Patron - Scott, E.T.

[P]HB759 HOV lanes; military personnel. Allows any active duty military member in uniform to use HOV lanes, regardless of the number of passengers, on Interstate Route 264 and Interstate Route 64 for the purposes of traveling to or from a military facility in the Hampton Roads Planning District. This bill incorporates HB 788 and is identical to SB 696.

Patron - Stolle

[P]HB806 Virginia Alternative Fuels Revolving Fund. Adds improvement of infrastructure such as refueling stations as a goal of the Fund. Requires that the Commissioner aggressively pursue grants and other sources of funding for the Fund.

Patron - Poindexter

[P]HB848 Improvements to Route 711. Provides that Buchanan County may enter into an agreement with Pike County, Kentucky, to improve Route 711. This bill is identical to SB 371.

Patron - Morefield

[P]HB1109 Virginia Route 27. Designates Virginia Route 27 adjacent to the Pentagon in Arlington County as the "9/11 Heroes Memorial Highway."

Patron - Brink

[P]HB1241 Metropolitan planning organizations; membership. Provides that any metropolitan planning organization may vote, with the concurrence of the Governor, to have its membership expanded to include members of the House of Delegates, as selected by the Speaker of the House of Delegates, and members of the Senate, as selected by the Senate Committee on Rules.

Patron - Oder

[P]SB254 Commonwealth Transportation Commissioner; advertising for bids; construction. Provides that the Commonwealth Transportation Commissioner may let projects costing below \$300,000 to contract. The bill further provides that the Commissioner may, at his discretion, build or maintain any of the roads by state or local employees as he may designate in cases of emergency or on projects costing not more than \$600,000. This bill is the same as HB 631.

Patron - Miller, Y.B.

[P]SB255 Commonwealth Transportation Board; rules and regulations. Provides that any rules and regulations promulgated by the Commonwealth Transportation Board shall be developed in accordance with the Administrative Process Act. This bill is the same as HB 418.

Patron - Miller, Y.B.

[P]SB371 Improvements to Route 711. Provides that Buchanan County may enter into an agreement with Pike County, Kentucky, to improve Route 711. This bill is identical to HB 848.

Patron - Puckett

[P]SB405 Condemnations; highway construction. Identifies VDOT as the party responsible for compiling interest accrued when the amount of an award in a highway construction-related condemnation proceeding is greater than that deposited with the court or through a certificate of deposit. This bill is the same as HB 516.

Patron - Petersen

[P]SB552 HOV lanes. Extends the "sunset" on use of HOV lanes by clean special fuel vehicles, regardless of the number of their occupants, until July 1, 2011, but only if they are not traveling on I-66, I-95, or I-395.

Patron - Barker

[P]SB553 Increase transit use strategies. Requires the Secretary of Transportation to make an annual report to the General Assembly on actions taken to promote transit use, etc.

Patron - Barker

[P]SB696 HOV lanes; military personnel. Allows uniformed military personnel to use HOV lanes in Hampton Roads regardless of the number of passengers. This bill is identical to HB 759.

Patron - McWaters

Failed

[F]HB25 Statewide Transportation Plan. Requires that the Statewide Transportation Plan include quantifiable measures and achievable goals for greenhouse gas emissions.

Patron - Herring

[F]HB95 Taking streets into state secondary highway system. Provides that if, on March 9, 2009, a subdivision was subject to a specific zoning requirement that prohibited a state-maintained stub road connection, such requirement will not

preclude acceptance of such road into the state secondary highway system.

Patron - Loupassi

[F]HB134 Outdoor advertising. Provides that 501(c)(3) sponsorships that can be seen from highways are not to be deemed "advertising."

Patron - Pollard

[F]HB224 Payments to cities and towns for maintenance. Equalizes municipal street payments to comparable amounts paid for state maintenance.

Patron - Watts

[F]HB277 Washington Bypass transportation corridor. Requires the Commonwealth Transportation Board to establish a Washington Bypass transportation corridor.

Patron - Albo

[F]HB320 HOV lanes; use by vehicle with clean special fuel license plates. Extends until July 1, 2011, the sunset on use of HOV lanes by clean special fuel vehicles, regardless of the number of occupants. This bill was incorporated into HB 214.

Patron - Plum

[F]HB333 Naming highways, etc. Allows the Commonwealth Transportation Board to name a highway, bridge, transportation facility, or interchange for a living person, group, or business entity if (i) the cost of construction of the bridge, highway, transportation facility, or interchange is paid by the person, group, or business entity and (ii) the highway, bridge, transportation facility, or interchange has not already been named for a deceased individual.

Patron - Marshall, R.G.

[F]HB391 Payments to cities and towns for maintenance of certain highways. Reduces unrestricted right-of-way widths from 50 to 40 feet and hard-surface widths from 30 to 22 feet before payment can be made by the Commissioner to any city or town for maintenance of certain highways if such highway was constructed on or after January 1, 2011, and is classified as a local street.

Patron - Lohr

[F]HB404 Transportation funding and administration. Provides for transportation funding and administration in Hampton Roads, Northern Virginia, the Richmond Highway Construction District, the Staunton Highway Construction District, and the Salem Highway Construction District. The amount of funding is based on: (i) for Northern Virginia, a portion of the growth in certain state tax revenues in Northern Virginia; (ii) for Hampton Roads, a portion of the growth in certain state tax revenues generated or facilitated by the marine terminals in Hampton Roads; (iii) for the Richmond Highway Construction District, a portion of the growth in certain state tax revenues generated or facilitated by the Port of Richmond; (iv) for the Staunton Highway Construction District, a portion of the growth in certain state tax revenues generated or facilitated by the Inland Port at Front Royal; and (v) for the Salem Highway Construction District, a portion of the growth in certain state tax revenues expected to be generated or facilitated by the Elliston Intermodal Facility.

Patron - Oder

[F]HB506 Roy D. Smith, III Memorial Bridge. Names the Island Ford Road bridge over the Shenandoah River in the City of Harrisonburg the "Roy D. Smith, III Memorial Bridge."

Patron - Gilbert

HB540 Transportation funding; the Salem Highway Construction District. Provides funds for transportation in the Salem Highway Construction District by allocating revenue attributable to a portion of economic growth due to or facilitated by the Inland Port in Montgomery County.

Patron - Marshall, D.W.

HB584 Highway rest areas and welcome centers. Requires VDOT to reopen closed highway rest areas and residency offices and prohibits closure of highway welcome centers.

Patron - Landes

HB666 Commonwealth of Virginia Transportation Capital Projects Revenue Bonds. Provides that at least 50 percent of the proceeds of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds would be used for new road or highway construction projects. The bill defines a new road or highway construction project as the construction of, enhancement of, or addition to a road or highway (or a portion or segment of a road or highway), which construction, enhancement, or addition did not commence prior to January 1, 2010. Commonwealth of Virginia Transportation Capital Projects Revenue Bonds were authorized for issuance in 2007 pursuant to House Bill No. 3202. This bill is identical to SB 541.

Patron - May

HB779 Northern Virginia transportation projects. Requires VDOT to evaluate and make periodic reports on transportation improvement projects in the Northern Virginia highway construction district.

Patron - LeMunyon

HB788 HOV lanes; military personnel. Allows military personnel to use HOV lanes in Hampton Roads regardless of the number of passengers. This bill was incorporated into HB 759.

Patron - Villanueva

HB818 Commonwealth Transportation Board (CTB); composition. Changes the composition of the CTB: one will be appointed from each of Virginia's 11 Congressional Districts (as they were on January 1, 2010, four more will be at-large appointees: one representing seaports, one representing aviation, one representing railroads, and one representing mass transit; the three ex officio members remain unchanged).

Patron - Surovell

HB948 HOT lanes. Requires VDOT to conduct a NEPA study prior to any HOT lane construction on any portion of I-95 or I-395.

Patron - Englin

HB968 HOT lanes. Provides that HOT lane violations are traffic infractions. Penalties for violations are no longer civil penalties and are not payable to the HOT lane operator.

Patron - Englin

HB980 HOV lanes; clean special fuel vehicles. Extends until July 1, 2011, the sunset provision allowing vehicles bearing clean special fuel license plates to use HOV lanes regardless of the number of passengers. This bill was incorporated into HB 214.

Patron - Hugo

HB1047 Commonwealth Mass Transit Fund. Increases the percentage of Transportation Trust Fund reve-

nues flowing into the Commonwealth Mass Transit Fund from 14.7 to 19 percent.

Patron - Kory

HB1081 Highway rest areas and welcome centers. Requires VDOT to reopen closed highway rest stops and prohibits closure of highway welcome centers.

Patron - Crockett-Stark

HB1103 Primary system highway construction funds allocation. Allocates primary system highway construction funds among the nine highway construction districts on the basis of the ratio of vehicle miles traveled on primary highways divided by the lane miles of primary highways in each highway construction district, weighted 90%, and a need factor, weighted 10%.

Patron - Sickles

HB1124 Street maintenance payments. Provides for increased payments where traffic volumes exceed the statewide average by more than 20 percent.

Patron - Keam

HB1131 Composition of Commonwealth Transportation Board (CTB); formulas for allocating primary, urban, and secondary highway system construction funds. Adds one member from the Northern Virginia highway construction district to the CTB. The bill also provides for allocation of highway construction funds within primary, urban, and secondary systems by the CTB on the basis of (i) population, (ii) traffic congestion, (iii) ambient air quality, (iv) functional classifications of highways, and (v) other important objectives as determined by the CTB, with each such factor being given equal weight.

Patron - Keam

HB1158 Regional VDOT construction accounts. Provides for the establishment of regional accounts, one for each highway construction district, whereby new transportation revenues not previously in existence generated on and after July 1, 2010 shall be deposited, to be used by the Commonwealth Transportation Board for allocation of funds for specific transportation projects within the region wherein the revenue is generated. This system of allocation is to be in addition to and not a replacement for other transportation construction fund allocation formulas.

Patron - Oder

HB1223 HOT lanes. Requires that, in designating HOT lanes, lane shoulder widths are sufficient for safe operation of transit vehicles and levels of performance of existing HOV facilities do not deteriorate. The bill further mandates that local governments' concerns with congestion at points of access and egress and on parallel local streets are openly and meaningfully addressed.

Patron - Ebbin

HB1334 Littering; cigarette butts. Prohibits disposal of cigarettes or any portion thereof on public property. Any person convicted of violation shall be subject to a civil penalty of \$75. However, in lieu of appearing in court, the violator may mail or personally deliver payment of \$75 to the clerk of the court.

Patron - Morgan

HB1369 VDOT Secondary Street Acceptance Requirements. Requires VDOT to reconsider its Secondary Street Acceptance Requirements effective July 1, 2009, with specific focus on the connectivity index and the means by

which an exception can be granted. The reconsideration is also to focus on the unique challenges in rural applications.

Patron - Poindexter

[F]SB76 Transportation funding; the Salem Highway Construction District. Provides funds for transportation in the Salem Highway Construction District by allocating revenue attributable to a portion of economic growth due to or facilitated by the Inland Port in Montgomery County.

Patron - Reynolds

[F]SB164 Revenues of the Commonwealth; transportation funding. Creates additional sources of revenue for transportation by increasing the motor vehicle sales and use tax by one-half percent and the motor vehicle rental tax by one percent, and by imposing a five percent tax on the wholesale price of gasoline. The new revenue sources will be directed to the Rail Enhancement Fund, the Transportation Trust Fund, the Highway Maintenance and Operating Fund for transportation projects and needs of the Commonwealth, and certain priority transportation projects, as designated by the Commonwealth Transportation Board, in Northern Virginia and Hampton Roads. The bill would also eliminate the one-half percent sales tax on food currently going to the Transportation Trust Fund, and would raise the allowed credit for low-income taxpayers.

Patron - Edwards

[F]SB285 Unpaved secondary road fund. Provides that in any year in which the Commonwealth Transportation Board has not allocated funding for nonsurface treated secondary roads, no penalty will be applied to transfers of funding from unpaved roads to other secondary road projects.

Patron - Deeds

[F]SB351 Transportation programs; performance audit by Secretary of Transportation. Requires the Secretary of Transportation to arrange for a performance audit of the Commonwealth's transportation programs.

Patron - Obenshain

[F]SB365 HOT lane construction contracts. Requires that HOT lane construction contracts contain requirements for minimum average speed for vehicles using the facility.

Patron - Barker

[F]SB541 Commonwealth of Virginia Transportation Capital Projects Revenue Bonds. Provides that at least 50 percent of the proceeds of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds would be used for new road or highway construction projects. The bill defines a new road or highway construction project as the construction of, enhancement of, or addition to a road or highway (or a portion or segment of a road or highway), which construction, enhancement, or addition did not commence prior to January 1, 2010. Commonwealth of Virginia Transportation Capital Projects Revenue Bonds were authorized for issuance in 2007 pursuant to House Bill No. 3202. This bill is identical to HB 666.

Patron - Newman

[F]SB634 Commonwealth Transportation Board (CTB); composition. Changes the composition of the CTB: one will be appointed from each of Virginia's 11 Congressional Districts (as they were on January 1, 2010, four more will be at-large appointees: one representing seaports, one representing aviation, one representing railroads, and one representing mass transit; the three ex officio members remain unchanged).

Patron - Marsden

[F]SB717 Regional VDOT construction accounts. Provides for the establishment of regional accounts to be used by the Commonwealth Transportation Board for allocation of funds for specific transportation projects within the region wherein the revenue is generated. This system of allocation is to be in addition to and not a replacement for other transportation construction fund allocation formulas.

Patron - Petersen

Carried Over

[C]HB245 Gate City Bypass. Requires the Commonwealth Transportation Board to allow the Town of Gate City to provide access roads connecting U.S. Route 23 (southbound) with the north side of Clinch Mountain.

Patron - Kilgore

[C]HB259 Transportation-disadvantaged persons. Requires the Commonwealth to develop plans and programs to assist the transportation disadvantaged.

Patron - McClellan

[C]HB276 Highway maintenance funds. Provides that when allocating funds for the interstate system of highways, the primary system of state highways, and the secondary system of state highways maintained by the Commonwealth, the Commonwealth Transportation Board shall consider achieving a minimal level of disparity among highway construction districts in meeting asset performance standards. Prior to such allocation, the Board shall release for public review a comparison of the proposed allocation of funds by highway construction district with an allocation of funds based entirely on specific asset performance standards by highway construction district.

Patron - Albo

[C]HB876 Fences along Interstate highways. Requires VDOT to adhere to local policies in installing and maintaining fences along Interstate Highway System components.

Patron - Cline

[C]HB1275 Virginia High-Speed Rail Commission. Establishes the Virginia High-Speed Rail Commission to promote and augment the state's competitive stance for matters related to high-speed passenger rail service in Virginia. The Commission is to study, assess, and advise the General Assembly and the Secretary of Transportation on effective and competitive design, planning, financing, construction, and operations involving high-speed rail service. The Commission is, further, to coordinate high-speed rail programs with neighboring states and federal and regional entities. This Commission shall replace the Virginia-North Carolina High Speed Rail Compact.

Patron - Cosgrove

[C]HB1313 Prince William County Metro Rail Improvement District. Creates the Prince William County Metro Rail Improvement District to provide a means of financing an extension of commuter rail service from Fairfax County into Prince William County.

Patron - Torian

[C]HB1323 Hampton Roads; tolls. Provides for tolls at the Monitor Merrimac Memorial Bridge-Tunnel and the Hampton Roads Bridge-Tunnel.

Patron - May

CSB200 Rumble strips. Provides that rumble strips shall be installed on highways in the Commonwealth having speed limits of at least 55 MPH.

Patron - Blevins

CSB435 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

Homestead and Other Exemptions

Passed

P HB1192 Homestead deeds for personal property; previous filings. Adds to the homestead deed for personal property 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

F HB817 Garnishment; deposit of earnings. Provides that a depository shall not withhold any earnings for garnishment that have been deposited into an individual's account after the date of receipt of the garnishment summons by the depository.

Patron - Abbott

Hotels, Restaurants, Summer Camps, and Campgrounds

Passed

P HB495 Serving of meals by churches. Exempts churches serving meals consisting of food prepared in the homes of members or in the kitchen of the church from licensure requirements applicable to restaurants. This bill is identical to SB 117.

Patron - Lingamfelter

PSB117 Serving of meals by churches. Exempts churches serving meals consisting of food prepared in the homes of members or in the kitchen of the church from licensure requirements applicable to restaurants. This bill is identical to HB 495.

Patron - Petersen

Housing

Passed

P HB312 Uniform Statewide Building Code; appeals to the local board of Building Code appeals and the State Building Code Technical Review Board. Clarifies that any person aggrieved by a local building official's application of the Uniform Statewide Building Code may appeal to the local board of Building Code appeals. The bill also provides the State Building Code Technical Review Board authority to hear appeals from decisions arising under application of the Virginia Manufactured Housing Construction and Safety Standards Law and the Virginia Certification Standards adopted by the Board of Housing and Community Development.

Patron - McClellan

P HB313 Industrialized Building Safety Law. Provides that any person aggrieved by the Department of Housing and Community Development's application of the Industrialized Building Safety Law may appeal to the State Building Code Technical Review Board. Currently only local building officials, compliance assurance agencies, and industrialized building manufacturers are listed as being allowed such appeals. In addition, the bill deletes references to model code writing entities (except the National Fire Protection Association) and replaces them with the International Code Council.

Patron - McClellan

P HB517 Uniform Statewide Building Code; violations; nonresidential property. Provides that a court may order violations of the Uniform Statewide Building Code on nonresidential buildings or structures be abated or otherwise remedied if the violations remain when the court is authorized to assess civil penalties. Currently the court is required to order abatement for residential buildings or structures but is not authorized to do so if the building or structure is nonresidential.

Patron - Rust

P HB605 Board of Housing and Community Development; powers; Virginia Building Code Academy. Provides that the levy of two percent of building permit fees for the support of the Virginia Building Code Academy is not limited to building permits but also applies to permits issued in connection with the enforcement of amusement device regulations.

Patron - Merricks

P HB687 Uniform Statewide Building Code; penalty for violation. Increases the civil penalty for a second or subsequent violations from \$150 to \$350 and the total for violations arising from the same operative set of facts from \$3,000 to \$4,000. This bill incorporates HB 299 and HB 493.

Patron - Miller, J.H.

P HB1101 Statewide Fire Prevention Code; appeal from local fire code decisions. Provides that any local fire code may provide for an appeal to the local board of appeals for fire code violations, and if no such local board exists, to the State Building Code Technical Review Board.

Patron - Sickles

P HB1174 Housing authorities; compensation of commissioners. Provides that a commissioner shall receive such compensation as may be determined by a locality for each

meeting of the authority attended by the commissioner. Currently, that amount cannot exceed \$75.

Patron - Phillips

[P]HB1260 Uniform Statewide Building Code; buildings or structures built on state-owned property. Provides that the Uniform Statewide Building Code shall also apply to buildings or structures built on state-owned property. The bill requires the Department of General Services to act as the building official for all buildings or structures built on state-owned property. The bill provides that the Building Code shall not apply to uninhabitable structures, equipment, or wiring owned by a public service company, a certificated provider of telecommunications services, or a franchised cable operator that are built on rights-of-way owned or controlled by the Commonwealth Transportation Board.

Patron - Brink

[P]HB1374 Manufactured Housing Licensing and Transaction Recovery Fund Law. Clarifies that when the buyer of a manufactured home that is a single section unit fails to accept delivery, the manufactured home dealer may retain actual damages of \$1,000. The bill also provides that the authority of the Manufactured Housing Board to authorize up to five percent of the Manufactured Housing Transaction Recovery Fund balance for educational purposes and to pay staff expenses related to regulatory functions shall expire on July 1, 2011.

Patron - Scott, J.M.

Failed

[F]HB103 Fair Housing Law; exemption removed. Removes private individuals who sell or rent by owner, without a real estate agent, and who do not own more than three single family homes, from being exempt from the Virginia Fair Housing Law.

Patron - Loupassi

[F]HB264 Housing authorities; no trespass notices. Requires housing authorities to adopt written policies concerning the "no trespass" policy or barment from the premises owned by the authority, which shall include written notice of the policy to the tenant, signs posted on the premises about the policy, and a right to a hearing by the individual alleged to have violated the "no trespass" policy, as well as an appeal process. The bill provides that an individual may waive the rights granted by the bill.

Patron - Englin

[F]HB299 Uniform Statewide Building Code; penalty for violation. Increases the civil penalty for an initial violation from \$100 to \$200; for each subsequent violation from \$150 to \$500; and the total for violations arising from the same operative set of facts from \$3,000 to \$5,000. This brings the Uniform Statewide Building Code in line with civil penalties for violation of zoning ordinances. This bill was incorporated into HB 687.

Patron - Torian

[F]HB369 Uniform Statewide Building Code; rental inspections; posting of signs. Provides that a rental inspection ordinance may include a provision that requires the owners of any multifamily residential development in a rental inspection district, which development contains more than 10 dwelling units and is managed by a property manager or managing agent of the owner, to post signs on such property conspicuous to public view identifying the name, address, and telephone num-

ber of the property manager or managing agent of the owner. The building department may develop a form for such purpose.

Patron - Ware, O.

[F]HB422 Uniform Statewide Building Code; regulations of the Board of Housing and Community Development. Requires the Board of Housing and Community Development to adopt regulations establishing standards for new construction of single-family residential buildings to meet minimum standards for accessibility for persons with disabilities, including provision for (i) doorway entrances of at least 32 inches in width; (ii) accessible pathways of at least 36 inches in width throughout the first floor; (iii) at least one accessible no-step main floor entryway; (iv) accessible environmental controls, including electrical outlets at least 18 inches above the floor and light switches at least 44 inches above the floor; and (v) at least one bathroom on the first floor that is capable of supporting the installation of grab bars and other assistive equipment. The bill provides that such standards may include reasonable exemptions from such requirements as deemed appropriate by the Board.

Patron - Hope

[F]HB451 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 - Herring

[F]HB493 Uniform Statewide Building Code; penalty for violation. Increases the civil penalty for an initial violation from \$100 to \$200; for each subsequent violation from \$150 to \$500; and the total for violations arising from the same operative set of facts from \$3,000 to \$5,000. This brings the Uniform Statewide Building Code in line with civil penalties for violation of zoning ordinances. This bill was incorporated into HB 687.

Patron - Lingamfelter

[F]HB735 Virginia Fair Housing Law; recovery of penalties for violation. Provides that in a civil action for fair housing violations, no fair housing organization or civil rights organization may recover any damages or costs or seek any other relief against a private individual owner who is exempt from fair housing law and who is renting a room in a shared living space or a separate living unit within the single family house in which the owner resides for an alleged discriminatory notice, statement or advertisement.

Patron - Albo

[F]HB954 Uniform Statewide Building Code; rental inspections; penalty. Increases the penalty for the willful failure of an owner of a dwelling unit, who is using the dwelling unit for residential rental purposes, to provide written notification of the residential rentals to the local governing body from a maximum of \$50 to a maximum of \$250.

Patron - Howell, A.T.

[F]HB1126 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 - Keam

HB1280 Virginia Fair Housing Law; unlawful discriminatory housing practices. Provides that it is an unlawful discriminatory housing practice for any political jurisdiction or its employees or appointed commissions to discriminate in the application of local land use ordinances or guidelines, or in the permitting of housing developments, on the basis of race, color, religion, national origin, sex, elderliness, familial status, handicap, or because the housing development contains or is expected to contain affordable housing units occupied or intended for occupancy by families or individuals with incomes at or below 80 percent of the median income of the area where the housing development is located or is proposed to be located. The bill also requires the Fair Housing Board, after consultation with the Attorney General, instead of issuing a charge for a violation, to immediately refer the matter to the Attorney General for civil action in the appropriate circuit court for appropriate relief.

Patron - McClellan

Carried Over

SB290 Board for Housing and Community Development; Green Building Code. Requires the Board for Housing and Community Development to promulgate a Green Building Code as a part of the Uniform Statewide Building Code.

Patron - Deeds

Insurance

Passed

HB10 Individual health insurance coverage; requirement to obtain. Provides that a resident of the Commonwealth shall not be required to obtain or maintain a policy of individual insurance coverage. This applies regardless of whether the person has or is eligible for health insurance coverage under any policy or program provided by or through his employer or a plan sponsored by the Commonwealth or the federal government. The measure also states that no provision of Title 38.2 renders a resident liable for any penalty, assessment, fee, or fine as a result of his failure to procure or obtain health insurance coverage. The measure does not apply to individuals voluntarily accepting coverage under a state-administered Medicare or Medicaid program. This bill incorporates HB 576 and HB 722.

Patron - Marshall, R.G.

HB77 Credit life insurance disclosures. Requires that a debtor, when buying a credit life insurance policy paid in advance or by a single premium, shall be provided with a notice of his right to a refund if the insurance is terminated prior to its scheduled maturity or the insured indebtedness is terminated or paid off early. The same disclosure requirement currently exists for insurance contracts on a debtor paid by a single premium.

Patron - Ware, R.L.

HB93 Uninsured motorist insurance coverage. Permits a liability insurer to be relieved of the costs of defending the owner or operator in a claim involving property damage or bodily injury, including death, incurred after the liability insurer makes an irrevocable written offer to pay the limits of its policy and notifies any insurer providing underinsured motorist coverage with respect to the claim. The insurer or insurers providing underinsured motorist coverage shall reim-

burse the liability insurer or insurers for the costs of defending the underinsured motor vehicle owner or operator. The liability insurer retains the duty to defend its insured. If underinsured motorist coverage is provided by more than one insurer, the cost to defend shall be assumed in the same order of priority as applies to payments of underinsured benefits. The provisions of this bill shall not apply in the event of either a jury verdict being returned in an amount equal to or less than the total liability coverage available for payment or a dispositive ruling dismissing the plaintiff's complaint. The provisions of the bill shall not apply to costs incurred in connection with an appeal.

Patron - Kilgore

HB116 Pharmacy benefits; freedom of choice. Authorizes accident and sickness insurers proposing to issue preferred provider policies or contracts, health maintenance organizations, corporations providing preferred provider subscription contracts, and health care plans for state employees to select a single mail order pharmacy provider as an exclusive provider of pharmacy services that are delivered to the covered person's address by mail, common carrier, or delivery service. SB 535 is identical.

Patron - Purkey

HB258 Individual health insurance coverage. Expands the scope of who is an eligible person for purposes of guaranteed availability of individual health insurance coverage regardless of health status to include persons whose most recent prior creditable coverage was under the Commonwealth's Medicaid plan.

Patron - McClellan

HB260 Insurance; restitution. Authorizes the State Corporation Commission to require a person to make restitution in the amount of the direct actual financial loss if the person improperly withholds, misappropriates, or converts any money or property received in the course of conducting business. Currently, the Commission's authority to order restitution is limited to cases where an insurer charges an excessive rate or discriminatory premium or fails to pay undisputed amounts required under an insurance contract.

Patron - McClellan

HB315 Health insurance; continuation of coverage under group policy. Expands the ability of a person who becomes ineligible for coverage under a group health insurance policy to exercise the option to continue coverage under the group policy. The measure (i) extends the maximum length of continued coverage from 90 days to 12 months; (ii) allows premiums to be paid monthly; and (iii) requires the policyholder to inform the persons insured under the group policy of the option. The notice shall be provided within 14 days of the policyholder's knowledge of the covered person's loss of eligibility under the group policy. The measure also retains the policyholder's option to have the issuer issue an individual policy to the covered person who loses eligibility, and the maximum period for applying for such a policy is extended from 31 to 60 days after loss of eligibility.

Patron - McClellan

HB317 Group health insurance; enrollment opportunities. Requires group health insurance policies, health services plans, and health care plans to offer enrollment opportunities for employees and dependents who are eligible for coverage under, but not enrolled in, such policies or plans upon their (i) losing eligibility for coverage under the Commonwealth's Medicaid or FAMIS program or (ii) becoming eligible for premium assistance under either program. In order to enroll, the employee or dependent must request coverage within 60 days of being terminated from coverage under the

state program or 60 days of becoming eligible for premium assistance. Employers providing such policies or group plans are required to notify employees of their potential eligibility for premium assistance under these state programs and to disclose to the Department of Medical Assistance Services, upon request, information to permit the Department to determine the cost-effectiveness of any premium assistance provided. The measure implements certain provisions of the federal Children's Health Insurance Program Reauthorization Act of 2009, and applies to corporations issuing subscription contracts, health maintenance organizations, and insurers.

Patron - McClellan

[P]HB352 Group life insurance coverage. Allows coverage under a group life insurance policy to be extended to insure any person in whom the insured group member has an insurable interest, as may mutually be agreed upon by the insurer and the group policyholder. SB 465 is identical.

Patron - Rust

[P]HB448 Virginia Life, Accident and Sickness Insurance Guaranty Association. Updates and expands the scope of the Virginia Life, Accident and Sickness Insurance Guaranty Association. The Association provides a system for the protection of policy owners, annuitants, and other persons against failure in an insurer's performance of its contractual obligations under life and accident and sickness insurance policies and annuity contracts as a result of the insurer's impairment or insolvency. This bill incorporates HB 574.

Patron - Ware, R.L.

[P]HB531 Insurance rate filings; trade secrets. Exempts insurance rate-related information filed with the State Corporation Commission from public inspection and copying if it constitutes a trade secret as defined in the Uniform Trade Secrets Act. The insurer or other person filing the information has the burden of persuading the Commissioner of Insurance that information is a trade secret.

Patron - Nixon

[P]HB532 Home service contract providers. Exempts any home service contract provider that has a net worth in excess of \$100 million from the provisions of Article 2 of Chapter 26 of Title 38.2 of the Virginia Code, which provides for the licensure regulation of such providers by the State Corporation Commission. SB 439 is identical.

Patron - Nixon

[P]HB548 Group health insurance policies; wellness programs. Allows group health insurance policies to provide a discount to employers who institute employee wellness programs. The bill also allows an employer instituting and maintaining an employee wellness program to require any employee wishing to enroll to undergo a health assessment as a condition of enrollment.

Patron - Marshall, D.W.

[P]HB554 COBRA continuation coverage. Requires small employers providing group health insurance coverage to offer to certain employees whose employment is involuntarily terminated the option to continue their coverage for any additional period, extending beyond the nine months of COBRA continuation coverage that is currently required, as may be specified by future amendments to the American Recovery and Reinvestment Act. The measure will take effect upon its passage.

Patron - Marshall, D.W.

[P]HB556 Availability of basic health insurance. Authorizes health maintenance organizations to offer and sell

to small employers group health care plans for health care services that do not include all of the state-mandated health insurance benefits. Currently, such limited coverage may be offered by health insurers and corporations providing policies, subscription contracts, or evidence of coverage. SB 642 is identical.

Patron - Marshall, D.W.

[P]HB800 Insurance; life and annuities licenses. Removes the requirement that a nonresident insurance agent obtain a life and annuities license from the State Corporation Commission's Bureau of Insurance as a condition to obtaining a variable contract license. The existing requirement applies even if the nonresident agent does not plan to sell non-variable life or annuities products. The measure also updates an obsolete reference to the examination licensees are required to pass.

Patron - Plum

[P]HB939 Insurance agents; continuing education program. Requires that the guidelines governing appeals of actions by the insurance continuing education board allow any person aggrieved by an action of the board or program administrator to appeal a decision to the Bureau of Insurance and then to the State Corporation Commission. Currently only a licensee aggrieved by an action that has the potential to affect the licensee's status has the right to appeal decisions beyond the insurance continuing education board.

Patron - Abbitt

[P]HB1018 Insurance policies; countersignature requirements. Repeals a provision that prohibits insurance policies from containing any provision that deems the policy to be invalid due to the absence of the signature or countersignature of an agent or company representative.

Patron - Hugo

[P]HB1095 Individual health insurance coverage; COBRA period. Sets the parameters of the period an individual is not covered by health insurance as beginning the day after an individual's termination of coverage and ending when an application for coverage is submitted. When an application is submitted by mail, the date of the postmark is the date the application is submitted.

Patron - Sickles

[P]HB1263 Dental plans; reimbursement for health care services. Prohibits a contract between a dental plan and a dentist or oral surgeon from establishing the fee or rate that the dentist or oral surgeon is required to accept for the provision of health care services, or from requiring that a dentist or oral surgeon accept the reimbursement paid by the dental plan as payment in full, unless the services are covered services under the dental plan. The measure applies to contracts entered into, amended, extended, or renewed on or after July 1, 2010. The State Corporation Commission does not have jurisdiction to adjudicate individual controversies arising out of this measure. SB 622 is identical.

Patron - Ware, R.L.

[P]HB1375 Prescription drug benefits; standard reference compendia. Replaces obsolete publications from the list of standard reference compendia with existing approved publications. The measure revises the compendia for both private health insurance and the state employee's health insurance plan.

Patron - Garrett

[P]HB1377 Health services plan; program for residents of other state. Provides that, if another state enacts a law that requires a nonprofit health service plan operating in Vir-

ginia to provide a specified program for residents of the other state, the State Corporation Commission (SCC) may hold a hearing to evaluate the impact of the law on the health services plan. The SCC shall direct the Commissioner of Insurance to conduct an examination of the health services plan. The measure authorizes the SCC to issue orders to protect residents of the Commonwealth.

Patron - Sickles

SB163 Health savings accounts; exemption from creditors' claims. Exempts moneys paid into or out of, the assets of, and the income of a health savings account from creditor process. Such assets shall not be liable to attachment, garnishment, or other process and shall not be seized, taken, appropriated, or applied by any legal or equitable process or operation of law to pay any debt or liability of the participant or beneficiary of the account.

Patron - Edwards

SB283 Individual health insurance coverage; requirement to obtain. Provides that a resident of the Commonwealth shall not be required to obtain or maintain a policy of individual insurance coverage except as required by a court or the Department of Social Services where the individual is named a party in a judicial or administrative proceeding. This applies regardless of whether the person has or is eligible for health insurance coverage under any policy or program provided by or through his employer or a plan sponsored by the Commonwealth or the federal government. The measure also states that no provision of Title 38.2 renders a resident liable for any penalty, assessment, fee, or fine as a result of his failure to procure or obtain health insurance coverage. The measure does not apply to individuals voluntarily accepting coverage under a state-administered Medicare or Medicaid program, or to students required by institutions of higher education to be insured as a condition of enrollment. The measure states that it does not impair the rights of persons to privately contract for health insurance for current or former family members. SB 311 and SB 417 are identical.

Patron - Quayle

SB311 Individual health insurance coverage; requirement to obtain. Provides that a resident of the Commonwealth shall not be required to obtain or maintain a policy of individual insurance coverage except as required by a court or the Department of Social Services where the individual is named a party in a judicial or administrative proceeding. This applies regardless of whether the person has or is eligible for health insurance coverage under any policy or program provided by or through his employer or a plan sponsored by the Commonwealth or the federal government. The measure also states that no provision of Title 38.2 renders a resident liable for any penalty, assessment, fee, or fine as a result of his failure to procure or obtain health insurance coverage. The measure does not apply to individuals voluntarily accepting coverage under a state-administered Medicare or Medicaid program, or to students required by institutions of higher education to be insured as a condition of enrollment. The measure states that it does not impair the rights of persons to privately contract for health insurance for current or former family members. SB 283 and SB 417 are identical.

Patron - Martin

SB417 Individual health insurance coverage; requirement to obtain. Provides that a resident of the Commonwealth shall not be required to obtain or maintain a policy of individual insurance coverage except as required by a court or the Department of Social Services where the individual is named a party in a judicial or administrative proceeding. This applies regardless of whether the person has or is eligible for

health insurance coverage under any policy or program provided by or through his employer or a plan sponsored by the Commonwealth or the federal government. The measure also states that no provision of Title 38.2 renders a resident liable for any penalty, assessment, fee, or fine as a result of his failure to procure or obtain health insurance coverage. The measure does not apply to individuals voluntarily accepting coverage under a state-administered Medicare or Medicaid program, or to students required by institutions of higher education to be insured as a condition of enrollment. The measure states that it does not impair the rights of persons to privately contract for health insurance for current or former family members. SB 283 and SB 311 are identical.

Patron - Vogel

SB439 Home service contract providers. Exempts any home service contract provider that has a net worth in excess of \$100 million from the provisions of Article 2 of Chapter 26 of Title 38.2 of the Virginia Code, which provides for the licensure regulation of such providers by the State Corporation Commission. HB 532 is identical.

Patron - Saslaw

SB465 Group life insurance coverage. Allows coverage under a group life insurance policy to be extended to insure any person in whom the insured group member has an insurable interest, as may mutually be agreed upon by the insurer and the group policyholder. HB 352 is identical.

Patron - Howell

SB477 Group health insurance policies; small employers. Clarifies that group accident and sickness policies and contracts sold to a small employer are required to include coverage for mammograms, pap smears, PSA testing, and colorectal cancer screening. The measure reconciles an inconsistency in 2009 legislation that arose when it was amended at the Governor's request during the reconvened session to require such policies to include these four mandated procedures.

Patron - Watkins

SB535 Pharmacy benefits; freedom of choice. Authorizes accident and sickness insurers proposing to issue preferred provider policies or contracts, health maintenance organizations, corporations providing preferred provider subscription contracts, and health care plans for state employees to select a single mail order pharmacy provider as an exclusive provider of pharmacy services that are delivered to the covered person's address by mail, common carrier, or delivery service. HB 116 is identical.

Patron - Newman

SB622 Dental plans; reimbursement for health care services. Prohibits a contract between a dental plan and a dentist or oral surgeon from establishing the fee or rate that the dentist or oral surgeon is required to accept for the provision of health care services, or from requiring that a dentist or oral surgeon accept the reimbursement paid by the dental plan as payment in full, unless the services are covered services under the dental plan. The measure applies to contracts entered into, amended, extended, or renewed on or after July 1, 2010. The State Corporation Commission does not have jurisdiction to adjudicate individual controversies arising out of this measure. HB 1263 is identical.

Patron - Wampler

SB642 Availability of basic health insurance. Authorizes health maintenance organizations to offer and sell to small employers group health care plans for health care services that do not include all of the state-mandated health insurance benefits. Currently, such limited coverage may be offered

by health insurers and corporations providing policies, subscription contracts, or evidence of coverage. HB 556 is identical.

Patron - Reynolds

[P]SB675 Health insurance; mandated coverage for telemedicine services. Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the cost of such health care services provided through telemedicine services. "Telemedicine services" means the use of interactive audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment. Utilization review may be undertaken to determine the appropriateness of telemedicine services.

Patron - Wampler

[P]SB706 Health insurance; coverage for mental health and substance abuse services. Requires that group health insurance coverage issued to large employers provide mental health and substance use disorder benefits in parity with the medical and surgical benefits contained in the coverage, in accordance with the Mental Health Parity and Addiction Equity Act of 2008.

Patron - Houck

Failed

[F]HB28 Credit default insurance. Establishes requirements for the conduct within the Commonwealth of the business of credit default insurance. The measure prohibits "naked" credit default swaps and establishes a regulatory framework for "covered swaps" and the credit default insurance market. The measure is based on model legislation adopted by the National Conference of Insurance Legislators. Elements include requirements regarding company licensing; contingency, loss, and unearned premium reserves; policy forms and rates; and reinsurance.

Patron - Marshall, R.G.

[F]HB31 Health benefits plans offered by foreign health insurers. Authorizes any foreign health insurer approved by any other state to sell a group health benefits plan that is offered in the insurer's domiciliary state to sell to persons in Virginia any health benefits plan that has been approved by another state.

Patron - Marshall, R.G.

[F]HB34 Health insurance; mandated coverage for autism spectrum disorder. Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder in individuals under age 21.

Patron - Marshall, R.G.

[F]HB44 Insurance coverage; Chinese drywall. Declares that exclusions in an insurance policy on an owner-occupied dwelling for property damage from environmental pollution or from defects in material, construction, or design or from deterioration shall not be construed in a manner that limits or excludes coverage for property damage resulting from sulfur compounds released from Chinese drywall or for the replacement of the Chinese drywall. The measure also provides that an insurance policy is not subject to cancellation on grounds that the dwelling is vacant or unoccupied beyond a period of 60 consecutive days if the dwelling's vacancy is due to either (i) work to remove or replace Chinese drywall or (ii) the dwelling posing a substantial risk to human health as a

result of gas released from the Chinese drywall. The measure will be in force from its passage.

Patron - Oder

[F]HB45 Homeowners insurance; Chinese drywall. Prohibits an insurance company from canceling, refusing to renew, or increasing rates on a policy on an owner-occupied dwelling solely because the dwelling was built using Chinese drywall.

Patron - Oder

[F]HB87 Medical incident compensation; penalties. Establishes a system for determining the liability of physicians and hospitals for medical injury caused by an unintended or unexpected adverse consequence or unanticipated outcome of (i) health care rendered or provided to the patient or (ii) the failure of a health care provider to render or provide health care to the patient. This system is the exclusive remedy for covered injuries; however, civil actions are permitted against a health care provider where there is clear and convincing evidence that the health care provider intentionally or willfully caused or intended to cause an injury. A claimant need not establish that the health care provider's negligence or breach of contract caused the injury. A claimant whose injury is found to be covered by the measure is eligible to be compensated for (i) expenses of medical and hospital, rehabilitative, therapeutic, nursing, attendant, residential, and custodial care; (ii) loss of earnings for the period that the claimant is unable to perform the functions of any job for which he was reasonably qualified at the date of the medical incident, based on his training and experience at a rate equal to the statewide average weekly wage; (iii) permanent loss or disfigurement as provided in the Workers' Compensation Act; (iv) if the injury is fatal, burial expenses and a death benefit not to exceed \$100,000; (v) vocational rehabilitation services; and (vi) reasonable expenses, including reasonable attorney fees. Total awards are subject to the limit currently applicable in medical malpractice actions. Determinations of liability and damages will be made by a three-member Medical Injury Compensation Board. Claims will be reviewed by a panel of three qualified and impartial physicians drawn from a specialty appropriate to the facts of a particular case, whose members are selected by the deans of the schools of medicine of the Eastern Virginia Medical School, University of Virginia School of Medicine, and Medical College of Virginia of Virginia Commonwealth University, which panel will prepare a report regarding whether the claimant's medical injury does or does not satisfy the criteria of a covered injury. Health care providers are required to insure the payment of compensation to injured patients through a policy of medical incident insurance. Failure to insure is punishable by civil and criminal penalties. The expenses of the Board will be paid from an administrative fund maintained by a premium tax levied on liability insurance carriers. An Uninsured Providers' Fund is established to pay awards against uninsured health care providers. The measure applies to all claims for covered injuries occurring in this Commonwealth on and after July 1, 2012.

Patron - Marshall, R.G.

[F]HB198 Pharmacy contracts; audits. Establishes requirements for audit procedures with respect to contracts between a health insurance carrier and its pharmacy benefits administrator, or between a carrier and a participating pharmacy provider or its contracting agent. Requirements address notice of audits, nondiscrimination, use of a licensed pharmacist to assist the auditor, provision of preliminary audit reports, use of extrapolations, charging interest, recovery or setoff for any overpayment or denial of claims, and related matters. Such contracts shall include a claims review process. The measure

applies to contracts entered into, amended, extended, or renewed on or after January 1, 2011.

Patron - Ware, R.L.

HB205 Property insurance; repairing damages. Requires fire or miscellaneous property insurance policies on residential property to provide that the duty to repair, rebuild, or replace damaged portions of the property includes the obligation to paint or otherwise repair the undamaged portion of the property that is adjacent to or in the immediate area of the damaged portion of the property, in the same manner and with the same material as is used to repair the damaged portion of the property. This obligation applies if necessary to avoid creating unreasonable differentiations in the appearance of the damaged and the undamaged portions of the property as a result of making repairs to the damaged portion of the property.

Patron - Alexander

HB265 Medicare supplement policies for individuals under age 65. Requires insurers issuing Medicare supplement policies in the Commonwealth to make standardized Medicare Supplement Plans A, C, and J available to any Medicare enrollee under 65 years of age who is eligible for Medicare due to disability or end-stage renal disease. A Medicare supplement policy issued to such an individual may not exclude benefits based on a preexisting condition if the individual has a continuous period of creditable coverage of at least six months as of the date of application for coverage. The enrollment period for an individual is the six-month period following the month the individual became eligible for Medicare or during the 63-day period following termination of coverage under a group health insurance policy.

Patron - Englin

HB303 Health insurance; mandated coverage for autism spectrum disorder. Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder in individuals from the date of diagnosis until they reach 10 years of age. This requirement does not apply to individual or small group policies, contracts, or plans, and will not apply to the state employees' health insurance plan until July 1, 2015.

Patron - O'Bannon

HB339 Foreign insurers; reciprocal licensing. Requires the State Corporation Commission to issue a license authorizing a foreign insurer to transact the business of insurance in Virginia if the foreign insurer's home state issues licenses to insurers incorporated or organized under Virginia's laws on the same basis, whenever the foreign insurer presents proof that it is currently licensed and is in good standing in its home state, submits a request for licensure and any required fee, and provides the application for licensure that the foreign insurer submitted to its home state. Reciprocal licensure is not contingent upon the other state's laws being substantially similar to the licensure requirements imposed by Virginia on its domestic insurers. A license issued to a foreign insurer under this reciprocal provision authorizes a foreign insurer to write the classes of insurance that it is authorized to write in its home state. The measure authorizes the Commissioner of Insurance to enter into agreements for reciprocal licensure of insurers with his counterparts of other states. A foreign insurer receiving a license under this reciprocity provision will not be required to file, or to receive approval for, policy forms and rates if the supervising insurance official of the foreign insurer's home state certifies that the insurer has received all necessary approvals required under the laws of that state to use the forms and rates in that state, or if the form relates to a product that has been approved by the Interstate Insurance Product

Regulation Commission established pursuant to the Interstate Insurance Product Regulation Compact.

Patron - Marshall, R.G.

HB574 Virginia Life, Accident and Sickness Insurance Guaranty Association. Increases the maximum amount of coverage provided by the Virginia Life, Accident and Sickness Insurance Guaranty Association for life insurance policies from \$300,000 to \$500,000. This bill was incorporated into HB 448.

Patron - Cole

HB576 Individual health insurance coverage; requirement to obtain. Provides that a resident of the Commonwealth shall not be required to obtain or maintain a policy of individual insurance coverage. This applies regardless of whether the person has or is eligible for health insurance coverage under any policy or program provided by or through his employer or a plan sponsored by the Commonwealth or the federal government. The measure also states that no provision of Title 38.2 renders a resident liable for any penalty, assessment, fee, or fine as a result his failure to procure or obtain health insurance coverage. This bill was incorporated into HB 10.

Patron - Cole

HB722 Individual health insurance coverage; elective. Provides that a resident of the Commonwealth shall not be required to obtain or maintain a policy of individual health insurance coverage. This applies regardless of whether the person is eligible for health insurance coverage under any policy or program provided by or through his employer or a plan sponsored by the Commonwealth or the federal government. The measure also states that no provision of Title 38.2 renders a resident liable for any penalty, assessment, fee, or fine as a result of his failure to procure or obtain health insurance coverage. This bill was incorporated into HB 10.

Patron - Peace

HB1054 Health insurance coverage funded by localities. Authorizes the governing body of any locality that self-funds a health insurance program for its officers and employees to extend coverage under such program to any other class of persons.

Patron - Scott, J.M.

HB1074 Motor vehicle insurance; consideration of driving record. Requires the issuer of a motor vehicle insurance policy to examine the driving record of the insured when underwriting or re-underwriting a policy. The insurer is further required to consider the information when setting the premium for the insured's policy.

Patron - Kilgore

HB1075 Motor vehicle insurance; premiums based on credit information. Prohibits insurers from setting rates for motor vehicle insurance on the basis of a person's credit history or credit score. The measure will become effective January 1, 2011.

Patron - Kilgore

HB1173 Insurance companies; Virginia Public Safety Fund assessment. Imposes an assessment on property and casualty insurance companies in the amount of one-half percent of the total direct gross premium income for such insurance. Moneys collected pursuant to the assessment shall be credited to the Virginia Public Safety Fund.

Patron - Phillips

HB1182 Health insurance; mandated coverage for telemedicine services. Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the cost of telemedicine services when the services are appropriately provided through such means. "Telemedicine services" means the use of interactive audio, video, or other telecommunications technology by a health care provider to deliver health care services at a site other than the site where the patient is located, including the use of electronic media for consultation relating to the health care diagnosis or treatment of the patient.

Patron - Phillips

HB1294 Health insurers; efficiency information. Requires the Commissioner of Insurance to collect, from health insurers, health maintenance organizations, and corporations providing accident and sickness subscription contracts, data regarding the efficiency of operations in Virginia. The Commissioner is required to compile and organize the data in a manner that permits the public to compare and track the efficiency of each health insurer.

Patron - Marshall, R.G.

HB1333 Preneed funeral contracts; authority of State Corporation Commission. Authorizes the State Corporation Commission to oversee the sale of preneed funeral contracts that are to be funded by the proceeds of a life insurance policy. The measure prohibits an insurer issuing policies to fund preneed funeral contracts from using or employing another person to entice an individual to purchase a product or to direct the course of action and choice of the buyer in a preneed funeral contract sale. The measure also provides that life insurance policies that are marketed or sold through the use of application or marketing materials that include information regarding costs associated with a funeral, including a casket or vault, in a manner that implies a connection between the amount of coverage and the cost of a funeral, are subject to regulation as life insurance policies used to fund preneed funeral contracts. Finally, the measure directs the State Corporation Commission to review its regulations to ensure that life insurance policies associated with the costs of funerals are not marketed through the use of deceptive or misleading practices.

Patron - Morgan

HB1354 Uninsured motorist insurance coverage. Provides that a nonresident motor vehicle that is insured under a motor vehicle liability insurance policy issued in another state with coverage limits that are less than those required for Virginia-registered motor vehicles shall not be deemed to be an uninsured vehicle, although it may be underinsured. The measure also provides that a vehicle is underinsured when, and to the extent that, coverage available for payment from all liability insurance sources for bodily injury and property damage is less than the coverage afforded an injured person.

Patron - Cline

SB36 Property insurance; repairing damages. Requires fire or miscellaneous property insurance policies on residential property to provide that the duty to repair, rebuild, or replace damaged portions of the property includes the obligation to restore the undamaged portion of the property that is adjacent to or in the immediate area of the damaged portion of the property. This obligation applies if repairing only the damaged portion of the property would create differences, not existing prior to the insured loss, between the appearances of the damaged and the undamaged portions of the property.

Patron - Miller, Y.B.

SB298 Homeowners insurance; defective drywall. Prohibits an insurance company from canceling, refusing to renew, or increasing rates on a policy on an owner-occupied dwelling solely because the dwelling was built using defective drywall.

Patron - Miller, J.C.

SB399 Motor vehicle insurance; premiums based on credit information. Prohibits insurers from setting rates for motor vehicle insurance on the basis of a person's credit history or credit score.

Patron - Wagner

SB460 Uninsured motorist insurance coverage. Provides that a nonresident motor vehicle that is insured under a motor vehicle liability insurance policy issued in another state with coverage limits that are less than those required for Virginia-registered motor vehicles shall not be deemed to be an uninsured vehicle.

Patron - McEachin

SB464 Health insurance; mandated coverage for autism spectrum disorder. Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis of autism spectrum disorder (ASD) and for treatment of ASD in individuals from age two to six, subject to an annual maximum benefit of \$35,000. This requirement does not apply to individual or small group policies, contracts, or plans, and will not apply to the state employees' health insurance plan until July 1, 2015. This measure will not apply to an insurer, corporation, or health maintenance organization if the costs associated with coverage exceed one percent of premiums charged over the experience period.

Patron - Howell

SB466 Insurance companies; Virginia Public Safety Fund assessment. Imposes an assessment on property and casualty insurance companies in the amount of one-half percent of the total direct gross premium income for such insurance. Moneys collected pursuant to the assessment shall be credited to the Virginia Public Safety Fund.

Patron - Howell

SB511 Notification of settlement payment. Requires an insurer to provide notice to a judgment creditor or claimant upon the payment of at least \$5,000 in settlement or satisfaction of a third-party liability claim to the attorney or representative of the judgment creditor or claimant.

Patron - Norment

SB664 Insurance information disclosures. Requires an insurance institution, agent, or insurance-support organization to disclose information about an insurance policy on the life of a deceased policyholder to a funeral service licensee, when requested in order to arrange for the final disposition of the deceased policyholder.

Patron - Miller, J.C.

Carried Over

HB12 Group health insurance; coverage for children. Allows coverage under a group accident and sickness insurance policy to be extended to an insured group member's child who is under the age of 27. Currently, such coverage may be extended to a child who is under the age of 19, or the age of 25 if the child is a dependent or full-time student. Coverage

may also be extended beyond this age limit if agreed by the insurer and policyholder.

Patron - Marshall, R.G.

[C]HB89 Virginia Wind Underwriting Association; wind insurance pool. 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 wind-storm, in accordance with a plan of operation to be approved by the Commission.

Patron - Kilgore

[C]HB440 Accident and sickness insurance policies; coverage of children. Provides that a group health insurance policy that provides coverage for dependent children shall make available such coverage, at the option of the insured group member, for one or more of the member's children who are under age 27 and without certain types of health coverage. An insured group member who opts to provide coverage for such children is required to pay any additional premium. The measure also increases the maximum age of dependent children who may be covered under a group accident and sickness insurance policy from 24 to 25 years, unless otherwise agreed. Finally, the measure expands who constitutes an eligible family member under an individual accident and sickness insurance policy to include children not greater than 25 years and children who meet the measure's qualifications for coverage with respect to a group policy.

Patron - Toscano

[C]HB536 Health benefits plans offered by foreign health insurers. Authorizes any foreign health insurer approved by any other state to sell a group health benefits plan that is offered in the insurer's domiciliary state to sell health benefits plans to employers in the Commonwealth that have at least two but not more than 50 employees.

Patron - Marshall, D.W.

[C]HB539 Group accident and sickness insurance coverage; minimum number of covered persons. Provides that a decrease in the number of persons covered by a group accident and sickness insurance policy to fewer persons than the minimum group size, during the term of the policy, will not constitute grounds for the insurer to cancel the policy or otherwise affect the policy with regard to any remaining covered person. Currently, a group accident and sickness insurance policy is required to cover at least two persons other than spouses or minor children, unless the spouse or minor child is an eligible employee.

Patron - Marshall, D.W.

[C]HB541 Group accident and sickness insurance coverage. Allows coverage under a group accident and sickness insurance policy to be extended to insure any parent of the insured group member, if such parent (i) is not engaged in any position of employment or in any business activity and (ii) resides in the same household as the insured group member.

Patron - Marshall, D.W.

[C]HB720 Health benefits plans offered by foreign health insurers. Authorizes health insurers licensed to sell health benefits plans in any other state to sell health benefits plans to residents of the Commonwealth if the foreign health insurer offers the same plans in its domiciliary state, is in compliance with the laws of that state, obtains a certificate of authority to do business in the Commonwealth, and participates in the Virginia Life, Accident and Sickness Insurance

Guaranty Association. Foreign health insurers offering such plans in the Commonwealth will be subject to existing provisions regarding unfair trade practices, capital and surplus requirements, and taxes and assessments imposed on domestic health insurers selling individual and group health insurance policies.

Patron - Peace

[C]HB730 Health insurance; early intervention services; autism. Prohibits an insurer that provides coverage for early intervention services from denying coverage for medically necessary speech and language therapy, occupational therapy, physical therapy, applied behavior analysis, and assistive technology services and devices because a covered minor dependent has been diagnosed with autism.

Patron - Albo

[C]HB1094 Health insurance; mandated benefits for colorectal cancer screening. Prohibits a health insurance policy from requiring a separate copayment, coinsurance, or deductible for any diagnostic or surgical procedure performed in conjunction with and at the time of a colorectal cancer screening that involves the removal or collection of cells, tissue, or polyps for diagnostic or curative purposes.

Patron - Sickles

[C]HB1367 Health benefits plans providing coverage for treatment of autism spectrum disorder offered by foreign health insurers. Authorizes a foreign health insurer to sell to persons in Virginia a health benefits plan providing coverage for treatment for autism spectrum disorder if the insurer offers a health benefits plan with substantially identical coverage for treatment for autism spectrum disorder in its domiciliary state.

Patron - LeMunyon

Juvenile Justice

Failed

[F]HB873 Juvenile correctional facilities; nonviolent offenders. Requires the Department of Juvenile Justice to maintain at least one juvenile facility for nonviolent juvenile offenders.

Patron - Cline

[F]SB585 Appointment of counsel for juveniles in correctional facilities. Provides that the judge of a juvenile and domestic relations district court in a jurisdiction where a state juvenile correctional facility is located shall, on motion of the attorney for the Commonwealth who has been requested to make such motion by the superintendent of the correctional facility, appoint for no more than one year, one or more attorneys to assist indigent individuals confined to such facilities with legal matters relating to their confinement. The attorney shall be paid from the criminal fund. The bill will not become effective unless funds for its implementation are included in the 2010 Appropriations Act.

Patron - Marsden

Carried Over

[C]HB483 Juvenile correctional centers; appointment of counsel. Provides for the appointment of an attorney to

assist individuals confined in a juvenile correctional center regarding any legal matter relating to their incarceration.

Patron - BaCote

Labor and Employment

Passed

[P]HB737 E-Verify Program. Requires agencies of the Commonwealth to enroll in the E-Verify Program by December 1, 2012, and to use the Program for each newly hired employee who is to perform work within the Commonwealth.

Patron - Albo

Failed

[F]HB455 Discrimination by public employers based on genetic characteristics prohibited. Prohibits the Commonwealth and other public bodies from taking adverse employment actions based on genetic testing or genetic characteristics. Such actions are currently prohibited if taken by private employers.

Patron - Herring

[F]HB937 Boiler and pressure vessels; fees for certification. Authorizes the Safety and Health Codes Board to establish all fees required under the Boiler and Pressure Vessel Safety Act except the fee for an inspection certificate under subsection B of § 40.1-51.10, which is set at \$30. The measure repeals limitations on the discretion of the Board in setting certain fees.

Patron - Alexander

[F]SB281 Child labor; animal welfare organizations. Authorizes the participation by children of any age in all activities of any nonprofit entity organized to provide for the care and welfare of animals. However, children aged 13 and younger may participate only if accompanied by a parent.

Patron - Quayle

Carried Over

[C]SB34 Worker Misclassification Act; penalties. Prohibits an employer from classifying an individual as an independent contractor if he is an employee. An individual shall be considered an employee of the party which pays that remuneration, for purposes of Titles 40.1 (Labor and Employment), 60.2 (Unemployment Compensation), and 65.2 (Workers' Compensation) unless and until it is shown to the satisfaction of the Department of Labor and Industry that (i) the individual has been and will continue to be free from direction and control of the employer, both under his contract of service and in fact, (ii) the service is outside the usual course of the business of the employer, and (iii) the individual is customarily engaged in an independently established trade, occupation, profession, or business, both under his contract of service and in fact. Discrimination or taking adverse action against any person in retaliation for exercising rights protected under this measure is also prohibited. Violators are subject to criminal penalties, civil penalties, debarment from public contracts, private actions, and stop-work orders.

Patron - Lucas

[C]SB377 Workplace Fraud Act. Establishes penalties for employers providing construction services that wrongly classify their employees as independent contractors. The mea-

sure authorizes the Commissioner of Labor and Industry to initiate an investigation under specified circumstances to determine whether specified violations occurred, requires the Commissioner to enforce specified provisions by issuing citations, and establishes the method of determining whether an employer-employee relationship exists for purposes of proper classification under specified circumstances. The measure imposes civil penalties on employers who violate its provisions.

Patron - Puckett

Libraries

Failed

[F]HB929 State Library Board; retention of certificates of occupancy. Requires the State Library Board to adopt regulations increasing the minimum mandatory period for the retention of certificates of occupancy to 15 years.

Patron - Bell, Robert B.

Carried Over

[C]SB581 State Law Library; access; database. Requires the Supreme Court to require and oversee the State Law Library's creation of the Commonwealth Law Library Database (the database). The database shall include a list of resources contained in the law libraries located at the George Mason University School of Law, the Marshall-Wythe School of Law of the College of William and Mary, and the University of Virginia, and all other public law libraries located in the Commonwealth. The bill requires that the database be maintained on the website of the Supreme Court and be accessible to the public. The librarian of the State Law Library or his designee shall be the administrator of the database and shall update the database quarterly. The bill also grants access right to the State Law Library to the staff of members of the General Assembly.

Patron - Marsden

Mechanics' and Certain Other Liens

Passed

[P]SB105 Mechanics' and materialmen's liens. Removes the definitional requirement that one must give consent in writing in order to be a "mechanics' lien agent." The bill also authorizes any person entitled to claim a lien to notify the mechanics' lien agent that he seeks payment for labor performed or material furnished if the building permit contains the name, mailing address, and telephone number of the mechanics' lien agent. Current law provides that any person entitled to claim a lien may notify the mechanics' lien agent that he seeks payment for labor performed or material furnished only if, at the time of issuance, the building permit contains the name, mailing address, and telephone number of the mechanics' lien agent.

Patron - McDougale

Military and Emergency Laws

Passed

[P]HB46 Virginia Disaster Response Fund; hazardous materials in dwellings. Creates the Virginia Defective Dry-wall Correction and Restoration Assistance Fund to promote the correction and restoration of residential property affected by the environmental problems attributable to defective dry-wall used in new construction or renovation that occurred between 2001 and 2008. The fund will be administered by the shall be Virginia Resources Authority and the Department of Housing and Community Development. Under the bill, the Department of Housing and Community Development would develop guidelines for the distribution of loans or grants from the Fund to particular recipients. The grants and loans may be used to pay the reasonable and necessary costs associated with (i) the remediation of a contaminated property to remove hazardous substances, hazardous wastes, or solid wastes, (ii) the stabilization or restoration of such structures or (iii) the demolition and removal of the existing structures or other work necessary to remediate or reuse the real property.

Patron - Oder

[P]HB1233 State active military duty; health care coverage. Allows a member of the Virginia National Guard called to state active duty by the Governor to continue his health care coverage, at the member's expense. This bill is identical to SB 613.

Patron - Miller, P.J.

[P]SB349 Reemployment rights of members of Virginia National Guard, Virginia State Defense Force, or naval militia. Extends the period in which a member of the Virginia National Guard, Virginia State Defense Force, or naval militia is required to apply for reinstatement in his former job to 90 days following his release from duty or from hospitalization following release, if the length of the member's absence by reason of service in the uniformed services exceeds 180 days. If the duration of his absence does not exceed 180 days, such notice must be given within 14 days, which is the current period allowed in all instances regardless of the duration of the absence. This notice period is consistent with that provided under the federal Uniformed Services Employment and Reemployment Rights Act for service members deployed for 181 days or longer.

Patron - Hanger

[P]SB613 State active military duty; health care coverage. Allows a member of the Virginia National Guard called to state active duty by the Governor to continue his health care coverage, at the member's expense. This bill is identical to HB 1233.

Patron - Wampler

Failed

[F]HB1070 Carrying of concealed handguns in emergency shelters. Provides that a person who has a valid concealed handgun permit may not be barred from carrying a concealed handgun in any place or facility designated or used by the Governor, any political subdivision of the Commonwealth, or any other governmental entity as an emergency shelter or for the purpose of sheltering persons.

Patron - Athey

[F]HB1089 Cold War Service Medal. Authorizes the Adjutant General to issue a service medal, to be known as the Cold War Service Medal, to any person (i) who (a) served on active duty in the Virginia National Guard for not less than 24 consecutive months during the Cold War, (b) was deployed as a member of the Virginia National Guard outside the continental United States for a period of at least 30 days during the Cold War, or (c) performed such other service in the Virginia National Guard during the Cold War as the Adjutant General may prescribe and (ii) who, if discharged or released from the Virginia National Guard, was so discharged or released under conditions after service in the Virginia National Guard characterized as honorable.

Patron - Crockett-Stark

[F]SB523 Virginia Disaster Response Fund; hazardous materials in dwellings. Authorizes funds from the Virginia Disaster Response Fund to be disbursed to political subdivisions to political subdivisions, for costs incurred for the removal of Chinese drywall hazardous materials, from, and subsequent repair of, dwelling units. Under the bill, in order to qualify for disbursements from the fund, the existence of the hazard in the dwelling unit must be certified by the political subdivision and the application for the funds must be made by the political subdivision on behalf of the owner of the dwelling unit constructed in the calendar years 2006 and 2007.

Patron - Norment

Mines and Mining

Passed

[P]HB1179 Coalbed methane gas; presumption regarding estate of owner of surface rights. Provides that a conveyance, reservation, or exception of coal shall not be deemed to include coalbed methane gas. The presumption does not affect (i) a coal operator's right to vent coalbed methane gas for safety purposes or release coalbed methane gas in connection with mining operations or (ii) any settlement of any dispute, or any judgment or governmental order, as to the ownership or development of coalbed methane gas made or entered prior to the enactment of this provision. The Auditor of Public Accounts is required to conduct an operational and performance review of the accounting policies and procedures for the collection and disbursement of the escrow accounts by the Virginia Gas and Oil Board. The review will include (i) best practices for the collection of funds from gas operators to ensure that the Virginia Gas and Oil Board receives all moneys owing under law and allocates such moneys to entitled owners; (ii) best management practices for the disbursement of funds to ensure that entitled owners are promptly notified and able to access their funds; and (iii) recommendations for statutory or regulatory changes governing the management and accounting of all escrow funds under the control of the Virginia Gas and Oil Board. The bill declares that an emergency exists and that the bill is effective upon passage. This bill is identical to SB 376.

Patron - Phillips

[P]HB1185 Coal mine safety. Makes several changes to the Coal Mine Safety Act. Surface foremen must take, at minimum, a 24-hour course of instruction in advanced first aid taught by a certified advanced first aid instructor and pass an examination approved by the Board of Coal Mining Examiners. Mine operators are required to review the substance abuse screening program with all miners at the time of employment

and annually thereafter. Rules for the design and marking of dumping stations and the placement of explosives are changed in certain instances. This bill is identical to SB 561.

Patron - Phillips

HB1344 Coalbed methane gas; conflicting claims of ownership; arbitration. Requires that the Virginia Gas and Oil Board order arbitration to resolve conflicting claims of ownership over coalbed methane upon the written request of all parties claiming ownership. The arbitrator shall be appointed by the circuit court from a list of qualified persons maintained by the Department of Mines, Minerals, and Energy. To qualify as an arbitrator, a candidate (i) shall be an attorney licensed in the Commonwealth; (ii) shall have at least 10 years of experience in real estate law, including substantial expertise in mineral title examination; and (iii) shall disclose to the Board whether he has been engaged within the preceding three years by any person in matters subject to the jurisdiction of the Board or the Department. The arbitrator shall make a determination within six months and, after receiving notice of the written determination, the Gas and Oil Board must disburse any proceeds held in escrow and owing to the owner of the coalbed methane gas interest. The costs of the arbitrator shall be paid from the accrued interest on general escrow account funds. If the Department finds, at the outset of the request for arbitration, that there are insufficient funds to pay the estimated costs of the arbitration, the claimants may, by unanimous agreement, proceed with the arbitration process, notify the Board of such agreement, and bear the costs to the extent of the insufficiency. If the parties do not agree, the arbitration shall be delayed until such funds are available.

Patron - Kilgore

SB376 Coalbed methane gas; presumption regarding estate of owner of surface rights. Provides that a conveyance, reservation, or exception of coal shall not be deemed to include coalbed methane gas. The presumption does not affect (i) a coal operator's right to vent coalbed methane gas for safety purposes or release coalbed methane gas in connection with mining operations or (ii) any settlement of any dispute, or any judgment or governmental order, as to the ownership or development of coalbed methane gas made or entered prior to the enactment of this provision. The Auditor of Public Accounts is required to conduct an operational and performance review of the accounting policies and procedures for the collection and disbursement of the escrow accounts by the Virginia Gas and Oil Board. The review will include (i) best practices for the collection of funds from gas operators to ensure that the Virginia Gas and Oil Board receives all moneys owing under law and allocates such moneys to entitled owners; (ii) best management practices for the disbursement of funds to ensure that entitled owners are promptly notified and able to access their funds; and (iii) recommendations for statutory or regulatory changes governing the management and accounting of all escrow funds under the control of the Virginia Gas and Oil Board. The bill declares that an emergency exists and that the bill is effective upon passage. This bill is identical to HB 1179.

Patron - Puckett

SB561 Coal mine safety. Makes several changes to the Coal Mine Safety Act. Surface foremen must take, at minimum, a 24-hour course of instruction in advanced first aid taught by a certified advanced first aid instructor and pass an examination approved by the Board of Coal Mining Examiners. Mine operators are required to review the substance abuse screening program with all miners at the time of employment and annually thereafter. Rules for the design and marking of

dumping stations and the placement of explosives are changed in certain instances. This bill is identical to HB 1185.

Patron - Puckett

Failed

HB1171 Coal mine license fee. Increases the coal mine license fee from \$180 to \$450.

Patron - Phillips

HB1183 Mineral mining; license fees. Increases the license fee for a mineral mine license from \$180 to \$450 and the license fee for any person engaged in mining sand or gravel on an area of five acres or less from \$48 to \$120.

Patron - Phillips

HB1184 Gas and oil wells. Establishes a \$50 annual permit renewal fee for wells producing gas and oil.

Patron - Phillips

SB171 Clean Energy Manufacturing Incentive Grant Program. Repeals the Solar Photovoltaic Manufacturing Incentive Grant Program and creates a program to provide financial incentives to companies that manufacture or assemble equipment, systems, or products used to produce renewable energy, nuclear energy, or energy efficiency products. To be eligible for a grant, the manufacturer must make a capital investment greater than \$50 million and create at least 200 full-time jobs. The program would be managed by the Director of the Department of Mines, Minerals and Energy. This bill was incorporated into SB 129.

Patron - Deeds

SB247 Regulation of the geologic storage of carbon dioxide; penalty. Authorizes the geologic storage of carbon dioxide by permit issued by the Director of the Department of Mines, Minerals and Energy. Operators must pay fees established by the Department to fund the administration of the regulatory program including compliance inspections; testing, and monitoring the geologic storage facility; and any mechanisms needed to ensure the public health and environment subsequent to the closure of operations. After 10 years, the operator may be released from liability stemming from the geologic storage of carbon dioxide if he is able to demonstrate the integrity of the facility. Title to the carbon dioxide and any liability related to the project then passes to the Commonwealth.

Patron - Watkins

SB558 Coal mine license fee. Increases the coal mine license fee from \$180 to \$450.

Patron - Puckett

SB559 Mineral mining; license fees. Increases the license fee for a mineral mine license from \$180 to \$450 and the license fee for any person engaged in mining sand or gravel on an area of five acres or less from \$48 to \$120.

Patron - Puckett

SB560 Gas and oil wells. Establishes a \$50 annual permit renewal fee for wells producing gas and oil.

Patron - Puckett

SB564 Coal surface mining; refuse control. Prohibits the issuing of a permit for coal surface mining operations unless the applicant affirmatively demonstrates, and the Director finds in writing, that no spoil, refuse, silt, slurry, tailings, or other waste materials from coal surface mining and reclama-

tion operations will be disposed of in any intermittent, perennial, or ephemeral stream.

Patron - Ticer

Carried Over

[C]HB1037 Clean Energy Manufacturing Incentive Grant Program. Repeals the Solar Photovoltaic Manufacturing Incentive Grant Program and creates a program to provide financial incentives to companies that manufacture or assemble equipment, systems, or products used to produce renewable energy, nuclear energy, or energy efficiency products. To be eligible for a grant, the manufacturer must make a capital investment greater than \$50 million and create at least 200 full-time jobs. The program would be managed by the Director of the Department of Mines, Minerals and Energy.

Patron - Byron

[C]SB129 Clean Energy Manufacturing Incentive Grant Program. Repeals the Solar Photovoltaic Manufacturing Incentive Grant Program and creates a program to provide financial incentives to companies that manufacture or assemble equipment, systems, or products used for energy conservation, storage, or grid efficiency purposes. To be eligible for a grant, the manufacturer must make a capital investment greater than \$50 million and create at least 200 full-time jobs that pay at least the prevailing wage. The program would be managed by the Director of the Department of Mines, Minerals and Energy. This bill incorporates SB 129.

Patron - Stosch

Motor Vehicles

Passed

[P]HB61 DMV records; release of photographs. Provides for release by DMV of a hard copy image of any photographs of deceased persons who held driver's licenses or special identification cards when requested by members of the deceased person's family or the executor of his estate.

Patron - Toscano

[P]HB97 Restricted driving privilege for out-of-state drivers. Provides that when the driver of any motor vehicle not licensed to drive in Virginia, but who has a valid driver's license from another jurisdiction, is convicted in Virginia of a violation for which license suspension and issuance of a restricted license is authorized, the court may issue a restricted driving privilege in Virginia upon the same conditions as if the person held a valid Virginia license.

Patron - Loupassi

[P]HB98 Restricted learner's permit. Authorizes the Department of Motor Vehicles to issue a restricted learner's permit if the person is 25 years of age or older and a court has authorized restricted driving privileges to the person. This bill is identical to SB 107.

Patron - Loupassi

[P]HB163 Vehicles driving abreast. Provides that the prohibition on vehicles driving abreast does not apply to vehicles lawfully overtaking and passing vehicles traveling in the same direction in a separate lane.

Patron - Orrock

[P]HB190 Motor vehicle buyer's order. Revises the kinds of notice that dealers are required to provide customers in transactions that involve dealer-arranged financing.

Patron - Cosgrove

[P]HB350 Distribution of handbills, etc., and sale of merchandise or services on highways. Makes the power to regulate and prohibit distribution of handbills, etc., and solicitation of contributions, and sale of merchandise on highways or public roadways and medians a statewide authority. The bill also adds the sale of services or attempted sale of services as a prohibited activity. This bill incorporates HB 162, HB 534, HB 1139, and HB 1284 and is identical to SB 35.

Patron - Rust

[P]HB365 Local vehicle licenses; agreements with DMV. Provides that DMV will refuse registration or renewal of registration of a vehicle if any parking citation fees 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 fee.

Patron - Ware, O.

[P]HB378 Golf carts. Provides that in towns with a population of 2,000 or less, a golf cart or utility vehicle may cross a highway at an intersection conspicuously marked as a golf cart crossing by signs posted by the Virginia Department of Transportation if the highway has a posted speed limit of no more than 35 miles per hour and the crossing is required as the only means to provide golf cart access from one part of the town to another part of the town.

Patron - Lewis

[P]HB445 DMV eye exams. Allows DMV greater flexibility in assessing applicants' and licensees' horizontal fields of vision.

Patron - Ware, R.L.

[P]HB473 Weight limits for trucks hauling gravel, etc. Extends "sunset" on increased weight limits applicable to trucks hauling gravel and certain other cargoes in coal-producing counties to July 1, 2011.

Patron - Carrico

[P]HB504 Maximum speed limit on nonsurface treated highways for certain counties. Adds Rappahannock County to the list of counties where the unposted maximum speed limit on nonsurface treated highways (dirt roads) is 35 miles per hour.

Patron - Gilbert

[P]HB513 Administrative impoundment of motor vehicles. Provides for a three-day administrative impoundment of a motor vehicle when driving without an operator's license if the person has previously been convicted of driving without a license. A person who knowingly authorizes the operation of a motor vehicle by a person who he knows has no operator's license and who he knows has been previously convicted of driving without a license is guilty of a Class 1 misdemeanor. The provisions of the bill do not apply to a person whose license has been expired for less than one year prior to the offense or a person under 18 years of age at the time of the offense.

Patron - Rust

[P]HB538 Motor vehicle equipment; amber warning lights. Allows non-tow trucks owned by towing and recovery

businesses to be equipped with amber warning lights, provided the lights are lit only at towing and recovery sites.

Patron - Marshall, D.W.

[P]HB549 Licenses and special identification cards; legal presence requirements. Exempts individuals placed under medical review by the Department of Motor Vehicles from legal presence requirements for the renewal, duplication, or reissuance of a driver's license or special identification card.

Patron - Marshall, D.W.

[P]HB580 Local vehicle license fees. Allows localities to exempt members of certain authorized sheriff's volunteer citizen support units from local vehicle license fees. To qualify for this exemption, vehicle owners must have served at least 10 years in the locality.

Patron - Cole

[P]HB692 Parking violations. Adds Prince William County to existing provisions that grant certain localities authority to provide by ordinance that whenever any motor vehicle against which there are three or more outstanding unpaid or otherwise unsettled parking violation notices is found parked upon private property, the vehicle may be removed or immobilized. The county previously had the authority granted under this provision but was inadvertently omitted from the rewrite of this section in 2007 by a bill that sought to replace locality descriptions with locality names. This bill incorporates HB 298 and HB 492.

Patron - Miller, J.H.

[P]HB742 Impoundment of vehicle for driving while license suspended. Allows vehicle impoundment for a violation of § 18.2-272 (driving on a suspended license when suspended for driving for DUI or a DUI-related crime) and provides that a motor vehicle impounded or immobilized by the police following an arrest for driving on a suspended license, when suspended for DUI or a DUI-related crime, may be impounded or immobilized for an additional 90 days by the court upon conviction of that offense.

Patron - Cleaveland

[P]HB746 Toll payments; penalty. Provides that the operator of any toll facility or the locality within which such toll facility is located may install and operate or cause to be installed and operated a video-monitoring system in conjunction with an automatic vehicle identification system on facilities for which tolls are collected for the use of such toll facility for enforcement of toll collection.

Patron - Rust

[P]HB810 Vehicle lengths. Increases the allowable length of triple saddle mount combination vehicles operated on National Highway System components to 97 feet.

Patron - Scott, E.T.

[P]HB841 DMV records. Authorizes the Department of Motor Vehicles to use the National Change of Address System to update its customer records. This bill is identical to SB 479.

Patron - Stolle

[P]HB849 Off-road recreational vehicles. Authorizes localities embraced by the Southwest Regional Recreation Authority to allow over-the-road operation of "off-road recreational vehicles" within their boundaries. This bill incorporates HB 1175 and is identical to SB 373.

Patron - Morefield

[P]HB856 Highway speed limits. Increases the general highway speed limit on highways where it is presently 65 mph

to 70 mph. This bill incorporates HB 176 and is identical to SB 537.

Patron - Carrico

[P]HB916 Commercial driver's license; disqualification. Provides that the Commissioner shall disqualify for a period of five years any person convicted of voluntary or involuntary manslaughter, where the death occurred as a direct result of the operation of a commercial motor vehicle.

Patron - Bell, Robert B.

[P]HB975 Motor vehicle titles. Exempts "Special construction and forestry equipment" from having to be titled in Virginia.

Patron - Knight

[P]HB1012 Motor vehicle dealers and manufacturers. Expands the definition of "franchised motor vehicle dealer" to include used car dealerships operating under the trademark of a manufacturer. The bill also defines the relevant market area applicable to dealers of heavy trucks and limits the certain control that may be exercised over the development and operation of a motor vehicle dealer's premises due to its franchise relationship with the manufacturer. The bill also addresses certain practices relating to warranty and sales incentive audits to guarantee motor vehicle dealers the right to return parts sent by automated ordering system. It also limits the power of a manufacturer to coerce the waiver of a motor vehicle dealer's rights under any contract or other law; and clarifies hearing procedures. This bill is almost identical to SB 527 except that SB 527 contains an emergency clause.

Patron - Athey

[P]HB1159 "Move over" law. Requires drivers to move left on a four lane highway when approaching vehicles displaying flashing blue, red, or amber lights. The offense is punished as a traffic infraction, formerly a Class 1 misdemeanor. A second or subsequent violation, when such violation involved a vehicle with flashing, blinking, or alternating blue or red lights, is punishable as a Class 1 misdemeanor. These provisions shall not apply in highway work zones. This bill incorporates HB 403.

Patron - Oder

[P]HB1240 Roof signs and markings for taxicabs. Requires taxicabs to bear roof signs and markings identifying them as taxicabs.

Patron - Oder

[P]HB1269 Motor vehicle dealers; demonstrator vehicles; vehicle buyer's orders. Establishes conditions under which dealers may sell demonstrator vehicles. This bill is identical to SB 293.

Patron - Janis

[P]HB1277 Vehicle exempt from registration. Limits certain exemptions from registration to pickup trucks, panel trucks, sport utility vehicles, and vehicles having a gross vehicle weight rating greater than 7,500 pounds.

Patron - Scott, E.T.

[P]HB1295 Dulles Access Highway. Provides for the enforcement of the use of a photo-monitoring system or automatic identification system on the Dulles Access Highway. This bill is the same as SB 667.

Patron - Rust

[P]SB18 Special license plates. Authorizes the issuance of special license plates (i) to supporters of the Virginia Kids Eat Free program, (ii) to supporters of the Professor Garfield

Foundation, (iii) bearing the legend: TRUST WOMEN/ RESPECT CHOICE, (iv) bearing the legend: BUY LOCAL, (v) to supporters of the Virginia Recycling Association, (vi) and to supporters of the Washington Capitals hockey team. This bill incorporates SB 37, SB 168, SB 453, SB 704, and SB 709.

Patron - Lucas

SB35 Distribution of handbills, etc., and sale of merchandise or services on highways. Makes the power to regulate and prohibit distribution of handbills, etc., and solicitation of contributions, and sale of merchandise on highways or public roadways and medians a statewide authority. The bill also adds the sale of services or attempted sale of services as a prohibited activity. This bill is identical to HB 350.

Patron - Lucas

SB45 Disabled parking; windshield placard contents. Provides that permanent and removable windshield placards shall not show the name, age, and sex of the person to whom issued. Instead, holders of permanent windshield placards are required to carry Disabled Parking Placard Identification Cards issued by DMV.

Patron - Stuart

SB96 Eluding police; penalty. Provides that a person who attempts to escape or elude a law-enforcement officer who has given a signal to bring the motor vehicle to a stop is guilty of a Class 2 misdemeanor whether the attempt to escape or elude is on foot, in the vehicle or by any other means.

Patron - Quayle

SB107 Restricted learner's permit. Provides that a restricted learner's permit may be issued to a person who is at least 25 years of age who has been granted restricted driving privileges by a court. Such permit shall be subject to all of the restrictions ordered by the court. This bill is identical to HB 98.

Patron - McDougale

SB172 Maximum speed limit on nonsurface treated highways for certain counties. Adds Nelson County to the list of counties where the unposted maximum speed limit on nonsurface treated highways (dirt roads) is 35 miles per hour.

Patron - Deeds

SB219 Safety belt use for persons under 18 years of age. Requires safety belt use by those under 18 years of age who are occupying the rear seats of motor vehicles. This bill incorporates SB 229.

Patron - Howell

SB293 Motor vehicle dealers; demonstrator vehicles; vehicle buyer's orders. Establishes conditions under which dealers may sell demonstrator vehicles. This bill is identical to HB 1269.

Patron - McDougale

SB321 Motorcycles driving two abreast; law-enforcement officers. Allows law-enforcement officers on official duty to drive motorcycles two abreast in a single lane.

Patron - Reynolds

SB373 Off-road recreational vehicles. Authorizes localities embraced by the Southwest Regional Recreation Authority to allow over-the-road operation of "off-road recreational vehicles" within their boundaries. This bill is identical to HB 849.

Patron - Puckett

SB404 HOV lanes; clean special fuel vehicles; government use. Removes requirement that the Commissioner provide written regulations before the Department of Motor Vehicles may issue government-use license plates for clean special fuel vehicles.

Patron - Petersen

SB406 Salvage vehicles; maintenance and contents of records; reports. Clarifies items that must be contained in the records that licensees maintain on receipt of any vehicles and allows governing body of any locality to require that the records be reported to the police. The bill further provides that licensees hold onto vehicles for up to 10 days before crushing them.

Patron - Stuart

SB479 DMV records. Authorizes the Department of Motor Vehicles to use the National Change of Address System to update its customer records. This bill is the same as HB 841.

Patron - Watkins

SB522 Motorcycle dealers. Increases the radius of "relevant market areas" as that term applies to motorcycle dealers.

Patron - Norment

SB527 Motor vehicle dealers and manufacturers. Expands the definition of "franchised motor vehicle dealer" to include used car dealerships operating under the trademark of a manufacturer. The bill also defines the relevant market area applicable to dealers of heavy trucks and limits the certain control that may be exercised over the development and operation of a motor vehicle dealer's premises due to its franchise relationship with the manufacturer. The bill also addresses certain practices relating to warranty and sales incentive audits to guarantee motor vehicle dealers the right to return parts sent by automated ordering system. It also limits the power of a manufacturer to coerce the waiver of a motor vehicle dealer's rights under any contract or other law; and to clarify hearing procedures. This bill contains an emergency clause, but is otherwise identical to HB 1012.

Patron - Norment

SB537 Highway speed limits. Increases the general highway speed limit on highways where it is presently 65 mph to 70 mph. This bill is the same as HB 856.

Patron - Newman

SB646 Connection between vehicles; tow trucks. Provides that, when one vehicle is towing another, the fifth wheel, drawbar, trailer hitch, or similar device must (i) be structurally adequate for the weight being drawn, (ii) be properly and securely mounted, (iii) provide for adequate articulation at the connection without excessive slack, and (iv) be provided with a locking device that prevents accidental separation of the vehicles.

Patron - Watkins

SB667 Dulles Access Highway. Provides for the enforcement of the use of a photo-monitoring system or automatic identification system on the Dulles Access Highway. This bill is identical to HB 1295.

Patron - Herring

Failed

HB22 Use of handheld personal communications devices; penalty. Prohibits any use of a handheld personal communications device while operating a motor vehicle, bicy-

cle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth and makes such use a primary offense.

Patron - Howell, A.T.

[F]HB37 Overload and overweight permits; fees. Revises the fees for vehicle overload and overweight permits to conform to recommendations of the Virginia Transportation Research Council.

Patron - Marshall, R.G.

[F]HB58 Wireless telecommunications devices in motor vehicles. Extends prohibition on use of wireless telecommunications devices in motor vehicles to talking on such device, unless the device is configured for hands-free operation and is being used in the hands-free mode.

Patron - Dance

[F]HB124 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

[F]HB127 Overweight permits for haulers of coal, etc. Makes "carriers" (rather than "owners or operators") responsible for obtaining the permits and complying with other requirements. A definition of "carrier" is provided. Overweight penalties are changed to civil penalties, and the amount of time allowed for load shifting is limited to one hour.

Patron - Kilgore

[F]HB145 Reflectors on trailers. Requires reflectors or reflectorized material on all trailers that have an empty weight of 3,000 pounds or less.

Patron - O'Bannon

[F]HB162 Distribution of handbills, etc., solicitation of contributions, and sale of merchandise on highways and medians. Adds medians to list of places certain localities can prohibit distribution of handbills, solicitations of contributions, and sale of merchandise. This bill was incorporated into HB 350.

Patron - Orrock

[F]HB176 Speed limits. Provides for a 70 mph speed limit on (i) I-295 between Williamsburg Road in Henrico County and the I-295/I-95 interchange in Prince George County and (ii) I-95 between the I-295/I-95 interchange in Prince George County and North Carolina. This bill was incorporated into HB 856.

Patron - Morrissey

[F]HB212 Use of handheld personal communications devices in motor vehicles; penalty. Makes texting while driving a primary offense.

Patron - Bulova

[F]HB221 Careless driving. Provides that a person is guilty of careless driving, a Class 3 misdemeanor, if he commits a moving violation under Title 46.2 while using a handheld personal communications device, unless he is using such communications device in hands-free mode.

Patron - Watts

[F]HB229 Provisional driver's license; passenger restrictions. Provides that the holder of a provisional driver's license may transport up to three children under the age of 15,

provided the driver has written permission from a parent or guardian, the driving takes place during daylight hours, and driving the children is work-related.

Patron - Watts

[F]HB298 Removal of motor vehicles; outstanding parking violations. Adds Prince William County to the list of localities that may provide by ordinance that any motor vehicle with three or more parking violations parked on private property may be removed or immobilized. This bill was incorporated into HB 692.

Patron - Torian

[F]HB381 Motor vehicle titles. Exempts "Special construction and forestry equipment" from having to be titled in Virginia.

Patron - Knight

[F]HB395 Motorcycles; helmet use. Removes exception that allows operators and passengers riding on motorcycles with wheels of eight inches or less to ride without wearing a helmet.

Patron - Lohr

[F]HB403 "Move over" law. Requires drivers to move left on a four lane highway when approaching stationary tow trucks and highway maintenance/construction vehicles if these vehicles are displaying amber lights. (Current law does not include vehicles showing amber lights, only red or blue "emergency" lights.) The offense for all vehicles displaying lights would be punished as a traffic infraction, formerly a Class 1 misdemeanor. The bill makes second or subsequent violations Class 1 misdemeanors. This bill was incorporated into HB 1159.

Patron - Oder

[F]HB459 Pedestrians and drivers; responsibilities. Sets out the responsibilities of pedestrians and drivers at marked and unmarked crosswalks.

Patron - Herring

[F]HB462 Aftermarket exhaust system components. Prohibits sale of aftermarket exhaust components that, when used, would result in violation of exhaust system noise limits.

Patron - Dance

[F]HB472 Special license plates. Authorizes issuance of special license plates bearing the legends FRIENDS OF COAL and TRUST WOMEN/RESPECT CHOICE and special license plates for supporters of the Washington Capitals hockey team. The bill also repeals authorizations for issuance of special license plates for which the required minimum number of pre-paid orders was never received. The affected plates are those for persons awarded the Air Medal or the Air Medal with a "V" for valor; for members of the Air Force Association; to benefit the children of victims of the September 11, 2001, attack on the Pentagon; for supporters of the Canine Health Foundation; and for supporters of adoption programs. This bill incorporates HB 593 and HB 1232.

Patron - Carrico

[F]HB492 Removal of motor vehicles; outstanding parking violations. Adds Prince William County to the list of localities that may provide by ordinance that any motor vehicle with three or more parking violations parked on private property may be removed or immobilized. This bill was incorporated into HB 692.

Patron - Lingamfelter

HB534 Distribution of handbills, etc., solicitation of contributions, and sale of merchandise on highways. Grants Chesterfield County the power to regulate and prohibit distribution of handbills, leaflets, bulletins, etc., the solicitation of contributions, and the sale of merchandise on highways located within its boundaries and on public roadways and medians. This bill was incorporated into HB 350.

Patron - Nixon

HB593 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 affected plates are those for persons awarded the Air Medal or the Air Medal with a "V" for valor; for members of the Air Force Association; to benefit the children of victims of the September 11, 2001, attack on the Pentagon; for supporters of the Canine Health Foundation; and for supporters of adoption programs. This bill was incorporated into HB 472.

Patron - Landes

HB674 Radar detectors; allow use. Repeals prohibition on use of radar detectors in motor vehicles.

Patron - May

HB752 Traffic lights. Allows motorcycle, moped, and bicycle riders, in certain situations, to proceed through intersections controlled by traffic lights showing steady red signals.

Patron - Greason

HB783 Wireless telecommunications devices in motor vehicles. Extends prohibition on use of wireless telecommunications devices in motor vehicles to talking on such device, unless the device is configured for hands-free operation and is being used in the hands-free mode. Further provides that any violation found to be a contributing factor in an accident shall be punishable as a Class 3 misdemeanor.

Patron - LeMunyon

HB901 Motor vehicle safety belts. Makes nonuse of motor vehicle safety belts a primary offense.

Patron - Barlow

HB915 Board of Towing and Recovery Operators; regulation exemptions. Requires that the Board of Towing and Recovery Operators exempt from its regulations "automobile or watercraft transporters," "stinger-steered automobiles or watercraft transporters," or "tractor trucks" as defined in § 46.2-100 of the Code of Virginia when such transporters are capable of transporting four or more vehicles and have appropriate and required interstate operating authority, but only when such transporters are not responding to motor vehicle crashes and breakdowns.

Patron - Bell, Robert B.

HB957 Limited access highways; keep right except to pass. Requires traffic on limited access highways to drive in the right-most lane, except to pass.

Patron - Ingram

HB991 Truck weights; vehicles hauling wood pellets. Exempts vehicles hauling wood pellets from weight limits, overweight permits, and permit fees.

Patron - Nutter

HB1048 Following too closely; passing other vehicles. Adds bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds to the

list of vehicles that the driver of a motor vehicle shall not follow more closely than is reasonable. Also increases passing distance for passing bicycles from two to three feet.

Patron - Kory

HB1068 Overweight vehicle penalties. Provides that, in assessing penalties for vehicles whose weight exceeds that authorized in an overweight permit issued for the vehicle, the amount of the penalty is to be based on the amount by which the weight of the vehicle exceeds that authorized by the permit, not the amount by which its weight exceeds the weight limit that would have been applicable had no overweight permit been issued.

Patron - Athey

HB1083 Mopeds. Prohibits driving mopeds on highways with speed limits greater than 45 mph.

Patron - Crockett-Stark

HB1084 Mopeds. Requires moped riders to wear helmets.

Patron - Crockett-Stark

HB1096 Vehicles towed because of medical emergencies involving the driver. Provides for written notice, within 24 hours, to owners of vehicles that are towed because of medical emergencies involving the driver.

Patron - Sickles

HB1108 Special license plates; TRUST WOMEN/RESPECT CHOICE. Authorizes the issuance of revenue-sharing special license plates bearing the legend: TRUST WOMEN/RESPECT CHOICE. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Virginia Pregnant Women Support Fund, pursuant to § 32.1-11.6.

Patron - Brink

HB1117 Speeding in highway work zones; penalty. Increases from \$500 to \$1,000 the penalty for speeding in a highway work zone. Further provides that any violation resulting in the injury of a construction worker is punishable by imprisonment of up to one year and any violation resulting in the death of a construction worker is punishable by imprisonment of up to 15 years.

Patron - Ebbin

HB1125 Administrative impoundment of motor vehicles. Provides for the administrative impoundment of motor vehicles when charged with driving without an operator's license for a second or subsequent time.

Patron - Keam

HB1139 Local regulation of handbill distribution and others activities on highways. Adds the Town of West Point to existing provisions that allow certain localities to prohibit or regulate the distribution of handbills, and other similar activities, to the occupants of motor vehicles. This bill was incorporated into HB 350.

Patron - Morgan

HB1175 Off-road recreational vehicles. Authorizes localities embraced by the Southwest Regional Recreation Authority to allow over-the-road operation of "off-road recreational vehicles" within their boundaries. This bill was incorporated into HB 849.

Patron - Phillips

[F]HB1176 Vehicles of the Commonwealth; license plates. Adds the Cumberland Plateau Regional Housing Authority to vehicles that shall use state license plates.

Patron - Phillips

[F]HB1201 Driver instruction; payment. Provides that for persons who fail the behind-the-wheel examination or driver knowledge examination for driver's licenses administered by the Department of Motor Vehicles three times and must successfully complete a driver instruction program subsequent to the third examination failure, the Department shall provide by regulation for the offering of such driver's education instruction at a reduced or sliding fee scale or without charge to any person unable to pay the full cost of the program.

Patron - McQuinn

[F]HB1232 Special license plates; supporters of the Washington Capitals hockey team. Authorizes the issuance of revenue-sharing special license plates to supporters of the Washington Capitals hockey team. 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 Washington Capitals Charities to support its operation and programs in Virginia. This bill was incorporated into HB 472.

Patron - Watts

[F]HB1267 Motorcycle helmets; penalty. Provides for a \$25 civil penalty for motorcycle helmet violations, without imposition of any court costs.

Patron - Gear

[F]HB1284 Distribution of handbills, etc., solicitation of contributions and sale of merchandise on highways. Makes the power to regulate and prohibit distribution of handbills, leaflets, bulletins, etc., on highways a statewide authority. This bill was incorporated into HB 350.

Patron - James

[F]HB1336 Commercial dumpsters. Provides that VDOT shall issue permits for placement of dumpsters in certain roadways.

Patron - Hugo

[F]HB1365 Motor carriers. Provides for the regulation of transportation of railroad employees by contract carriers.

Patron - Ward

[F]HB1368 Vehicle engine idling. Allows engine idling of unattended motor vehicles on residential streets maintained by the Commonwealth if the idling is for the purpose of warming or cooling the interior of the vehicle.

Patron - LeMunyon

[F]SB9 Safety belts. Makes nonuse of safety belts a primary offense.

Patron - Blevins

[F]SB10 Wireless telecommunications devices in motor vehicles. Extends prohibition on use of wireless telecommunications devices in motor vehicles to talking on such device, unless the device is configured for hands-free operation and is being used in the hands-free mode. This bill was incorporated into SB 517.

Patron - Blevins

[F]SB16 Distribution of handbills, etc., solicitations of contributions and sale of merchandise on highways. Grants City of Portsmouth the power to regulate and prohibit distribu-

tion of handbills, leaflets, bulletins, etc., and sollicitation of contributions on highways located within its boundaries and on public roadways and medians.

Patron - Lucas

[F]SB37 Special license plates; BUY LOCAL. Authorizes the issuance of revenue-sharing special license plates bearing the legend: BUY LOCAL. 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 Retail Alliance Foundation to support its programs and activities in Virginia. This bill was incorporated into SB 18.

Patron - Miller, Y.B.

[F]SB122 Administrative impoundment of motor vehicles. Provides for the administrative impoundment of motor vehicles when driving without an operator's license.

Patron - Petersen

[F]SB136 Special license plates; IN GOD WE TRUST. Authorizes the issuance of special license plates bearing the legend: IN GOD WE TRUST.

Patron - Obenshain

[F]SB168 Special license plates; Professor Garfield Foundation. Authorizes the issuance of revenue-sharing special license plates to supporters of the Professor Garfield Foundation. This bill was incorporated in SB 18.

Patron - Houck

[F]SB212 Overload and overweight permits; fees. Requires the Commonwealth Transportation Board, in consultation with the Commissioner of the Department of Motor Vehicles, to establish a new schedule of fees for issuance of overweight and overload vehicle permits. Such fees shall not apply to all vehicles hauling cargoes subject to a coal or gas severance tax.

Patron - Barker

[F]SB228 Pedestrians crossing highways. Clarifies the duties of vehicles to stop to allow pedestrians to cross highways at marked crosswalks.

Patron - Barker

[F]SB229 Safety belt use. Extends requirement for safety belt use to all occupants of a motor vehicle, not just those in the front seat. This bill has been incorporated into SB 219.

Patron - Barker

[F]SB230 Provisional driver's license holders. Makes cell phone use while driving by a provisional driver's license holder a primary offense.

Patron - Barker

[F]SB391 Toll facilities; civil penalties for violation. Places limitations on the amount of civil penalties that can be imposed for failure to pay tolls. A civil penalty may not be imposed for a second or subsequent offense unless the person was found liable for a previous offense. Civil penalties are limited to \$2,500 in a calendar day, and \$10,000 in a calendar year, in one court.

Patron - McDougle

[F]SB437 Special license plates; Ocean View. Authorizes the issuance of special license plates to residents and supporters of the Ocean View community in the City of Norfolk.

Patron - Northam

SB453 Special license plates; supporters of the Washington Capitals hockey team. Authorizes the issuance of revenue-sharing special license plates to supporters of the Washington Capitals hockey team. 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 Washington Capitals Charities to support its operation and programs in Virginia. This bill was incorporated into SB 18.

Patron - Whipple

SB517 Wireless telecommunications devices in motor vehicles. Extends prohibition on use of wireless telecommunications devices in motor vehicles to initiating or answering a call on such device, unless the device is configured for hands-free operation and is being used in the hands-free mode. The bill also provides for graduated penalties for violations. This bill incorporates SB 10 and SB 574.

Patron - Norment

SB518 Safety belt enforcement. Allows for primary enforcement of safety belt requirements when violations are observed by law-enforcement officers at traffic safety checkpoints.

Patron - Norment

SB519 Vehicle license plates. Provides for the issuance of only one license plate for all registered vehicles.

Patron - Norment

SB539 Water-damaged vehicles. Adds definition of water-damaged vehicles and exempts them from the salvage vehicle exam process. The bill also adds a \$50 processing fee to the application process.

Patron - Newman

SB566 Passing bicycles, etc. Increases from two to three feet the minimum distance of separation which other vehicles must allow when passing bicycles, etc.

Patron - Ticer

SB574 Wireless telecommunications devices in motor vehicles. Extends prohibition on use of wireless telecommunications devices in motor vehicles to talking on such device, unless the device is configured for hands-free operation and is being used in the hands-free mode. This bill was incorporated into SB 517.

Patron - Ticer

SB704 Special license plates; TRUST WOMEN/RESPECT CHOICE. Authorizes the issuance of revenue-sharing special license plates bearing the legend: TRUST WOMEN/RESPECT CHOICE. 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 Planned Parenthood to provide women's health services in Virginia. This bill was incorporated into SB 18.

Patron - Howell

SB709 Special license plates; members and supporters of the Virginia Recycling Association. Authorizes the issuance of revenue-sharing special license plates to members and supporters of the Virginia Recycling Association. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Virginia Recycling Association to support its

operation and programs in Virginia. This bill was incorporated into SB 18.

Patron - Ticer

Carried Over

HB20 Definition of "disabled veteran." Provides that, for the purposes of Title 46.2 (Motor Vehicles), a veteran will be considered a "disabled veteran" if he is certified as being at least 50 percent disabled by the U.S. Veterans Administration.

Patron - Cole

HB75 Special license plates; "In God We Trust." Authorizes the issuance of special license plates bearing the national motto: "In God We Trust."

Patron - Bell, Richard P.

HB234 Special license plates; members and former members of the U.S. Navy. Authorizes the issuance of special license plates to members and former members of the U.S. Navy.

Patron - Janis

HB392 Vehicles damaged by water. Increases threshold for reporting water damage from \$1,000 to \$5,000. The bill further provides that if such vehicles are damaged to the extent that they meet the definition of salvage vehicle, they shall be titled as such.

Patron - Lohr

HB420 Special license plates; persons with certain medical conditions. Authorizes issuance of special license plates to applicants with asthma, diabetes, epilepsy, heart disease, and paralysis. These plates would be subject to a one-time fee of \$15 and would be exempt from the standard 350 minimum-order requirement.

Patron - Cox, M.K.

HB546 Motor carriers of passengers; permits. Requires that contract bus carriers and contract passenger carriers obtain a permit from the Department of Motor Vehicles before operating on the highways in the Commonwealth.

Patron - Marshall, D.W.

HB616 Special license plates; supporters of the Relay for Life. Authorizes the issuance of revenue-sharing special license plates to supporters of the Relay for Life. 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 Relay for Life to support its operation and programs in Virginia.

Patron - Lohr

HB840 Special license plates; members and former members of the U.S. Navy. Authorizes the issuance of special license plates to members and former members of the U.S. Navy.

Patron - Stolle

HB1243 Motor vehicle registration and driver's license application contents. Requires the Department of Motor Vehicles to provide a method by which an applicant conducting registration and license applications using electronic means may make a voluntary contribution to Prevent Blindness Mid-Atlantic, a nonprofit organization that provides

driver education, vision screening and vision screening training.

Patron - Stolle

[C]HB1276 Special license plates; supporters of the Friends of the Blue Ridge Parkway, Inc. Authorizes the issuance of revenue-sharing special license plates to members and supporters of the Friends of the Blue Ridge Parkway, Inc. 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 would go to the Friends of the Blue Ridge Parkway, Inc. to support its operation and programs in Virginia.

Patron - Putney

[C]HB1312 Special license plates; supporters of the James River Park System. Authorizes the issuance of revenue-sharing special license plates to supporters of the James River Park System. 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 James River Park System to support its operation and programs in Virginia.

Patron - McQuinn

[C]HB1370 Special license plates; members and former members of the U.S. Navy and U.S. Air Force. Authorizes the issuance of special license plates to members and former members of the U.S. Navy and U.S. Air Force.

Patron - Anderson

[C]SB170 Special license plates; Association of Realtors. Makes license plates issued to members of the Association of Realtors revenue-sharing special license plates. The annual surcharge for these plates would now be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Virginia Housing Trust Fund to support affordable housing options in Virginia.

Patron - Houck

[C]SB256 Driver's licenses; REAL ID. Makes documents required for renewal, reissue, or duplication of driver's licenses and identification cards compliant with REAL ID.

Patron - Miller, Y.B.

Notaries and Out-of-State Commissioners

Failed

[F]HB529 Electronic notary public; evidence of identity; requirements. Allows, in the case of an electronic notarization, for satisfactory evidence of the identity of a signer to be based on (i) video and audio conference technology that permits the notary to communicate with and identify the principal at the time of the notarial act, and confirmation of identity of the principal by use of biometric data or (ii) video and audio conference technology that permits the notary to communicate with and identify the principal at the time of the notarial act, and a Personal Identity Verification card issued in accordance with standards established by the National Institute of Standards and Technology. An electronic notarization may be made even though the signer is not in the presence of the notary if the notary relies on such evidence. The bill also eliminates the

requirement that electronic notaries submit with their registration various specific information regarding the device used to create an electronic signature. The bill also clarifies that a person commissioned as an electronic notary need not first be commissioned as a notary.

Patron - Nixon

Partnerships

Passed

[P]SB461 Partnerships; offices and statements; penalty. Makes it unlawful for any person to sign a general or limited partnership document he knows is false in any material respect with intent that the document be delivered to the State Corporation Commission for filing. Violations are punishable as a Class 1 misdemeanor. The measure also redesignates the specified office of a limited partnership as its principal office, which conforms to terminology applicable to other types of business entities.

Patron - McEachin

Pensions, Benefits, and Retirement

Passed

[P]HB273 Virginia Retirement System; benefits for local law enforcement, correctional, and emergency response employees in certain localities. Permits any locality that is exempt from providing all of the statutory special retirement benefits for deputy sheriffs because the locality's annual retirement allowance exceeds the statutory amount, to provide all of the other statutory benefits except the statutory annual retirement allowance to all employees eligible for such benefits. The additional costs of providing the benefits would be borne by the locality making the election.

Patron - Englin

[P]HB560 Virginia Retirement System; sickness and disability plan. Codifies provisions of the Appropriation Act making changes to the sickness and disability program that, among other things, create a one-year waiting period and a different benefit structure for new employees, and amends various provisions of the current plan.

Patron - Tata

[P]HB561 Virginia Retirement System; optional life insurance. Modifies the optional life insurance plan by (i) deleting the specific maximum amount of coverage, and replacing it with language clarifying that the maximum amount is set by the Board of Trustees of the Virginia Retirement System, and (ii) clarifying the difference in benefits for an employee who has been on leave without pay while serving in the military.

Patron - Tata

[P]HB562 Virginia Retirement System; retirement supplement ("COLA"). Clarifies that the allowance supplement that is indexed to inflation will not reduce the allowance when there is deflation, and corrects how COLA adjustments

should be calculated following a period of deflation. The bill also makes some technical changes.

Patron - Tata

HB892 Virginia Retirement System; withdrawal of member contributions. Requires a member of the Virginia Retirement System to be vested before being eligible to withdraw that portion of his accumulated contributions made by his employer on his behalf on or after July 1, 2010.

Patron - Barlow

HB1189 Virginia Retirement System; new employees. Modifies for new employees all the defined benefit retirement plans administered by the Virginia Retirement System (VRS) as follows: (i) requires employees to contribute five percent of creditable compensation (only local employers would be allowed to pick up this contribution), (ii) increases the number of months used to calculate average final compensation from 36 to 60, (iii) increases the cost and decreases the time in which employees may purchase certain prior service credits, and (iv) reduces the portion of the increase in the Consumer Price Index used for determining annual retirement allowance supplements (COLA) from three percent plus one-half of the next four percent to two percent plus one-half of the next eight percent. The bill also decreases the Commonwealth's contribution for employees in institutions of higher education participating in optional retirement plans from 10.4 percent to 8.5 percent of creditable compensation. However, institutions of higher education may provide an additional contribution of up to 0.4 percent each year at their own cost. New employees of institutions of higher education would also be required to contribute five percent of salary. In addition to these modifications, for new state and local employees covered under the main defined benefit plan (i.e., excluding the separate plans for state and local law enforcement employees and judges), the bill (a) changes the requirements for unreduced early retirement benefits from 50 years of age and 30 years of creditable service, to one whereby the sum of age plus years of service equals 90 and (b) sets the person's normal retirement date as his normal retirement date for federal social security. The bill would allow reduced early retirement to be taken only by those persons who have attained the age of 60 with at least five years of creditable service. Finally, for judges appointed or elected to an original term commencing on or after July 1, 2010, service as a judge would be multiplied by the weighted years of service factor of (i) 1.5 if the person was less than 45 at the time of such original term, (ii) 2.0 if the person was at least 45 but less than 55 at the time of such original term, and (iii) 2.5 if the person was at least 55 at the time of such original term. This bill is identical to SB 232.

Patron - Putney

SB232 Virginia Retirement System; new employees. Modifies for new employees, all the defined benefit retirement plans administered by the Virginia Retirement System ("VRS"), as follows: (i) requires employees to contribute five percent of creditable compensation (only local employers would be allowed to pick up this contribution), and (ii) increases the number of months used to calculate average final compensation from 36 to 60, (iii) increases the cost, and decreases the time in which employees may purchase certain prior service credits, and (iv) reduces the portion of the increase in the Consumer Price Index used for determining annual retirement allowance supplements ("COLA") from three percent plus one-half of the next four percent to two percent plus one-half of the next eight percent. The bill also decreases the Commonwealth's contribution for employees in institutions of higher education participating in an optional retirement plans from 10.4 percent to 8.5 percent of creditable compensation. However, institutions of higher education may

provide an additional contribution up to 0.4 percent each year at their own cost. New employees of institutions of higher education would also be required to contribute 5 percent of salary. In addition to these modifications, for new state and local employees covered under the main defined benefit plan, (i.e. excluding the separate plans for state and local law enforcement employees and judges), the bill (a) changes the requirements for unreduced early retirement benefits from 50 years of age and 30 years of creditable service, to one whereby the sum of age plus years of service equals 90 and (b) sets the person's normal retirement date as his normal retirement date for federal social security. The bill would allow reduced early retirement to be taken only by those persons who have attained the age of 60 with at least five years of creditable service. Finally, for judges appointed or elected to an original term commencing on or after July 1, 2010, service as a judge would be multiplied by the weighted years of service factor of (i) 1.5 if the person was less than 45 at the time of such original term, (ii) 2.0 if the person was at least 45 but less than 55 at the time of such original term, and (iii) 2.5 if the person was at least 55 at the time of such original term. This bill is identical to HB 1189.

Patron - Watkins

Failed

HB91 Virginia Retirement System; creditable compensation of teachers. Provides that the creditable compensation of teachers for retirement purposes under the Virginia Retirement System shall include all compensation payable to teachers by their public school boards, including compensation that is not pursuant to a contract for teaching.

Patron - Kilgore

HB118 Virginia Retirement System; disability retirement for local employees. Provides that a local employee shall not be retired due to disability if he refuses his employer's offer of employment in any position whose salary and benefits are at least equal to those of the position from which he is separated.

Patron - Purkey

HB126 Judicial retirement; mandatory retirement. Adjusts the mandatory retirement age under judicial retirement to age 73. Currently, judges are required to retire at age 70. This bill is a recommendation of the Judicial Council.

Patron - Kilgore

HB289 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 provides 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 - Griffith

HB316 Virginia Retirement System; general registrars. Permits a general registrar who (i) is involuntarily separated and (ii) has 20 or more years of creditable service to retire with an unreduced allowance upon attaining age 50.

Patron - McClellan

HB324 Virginia Retirement System; members' benefits. Increases the average final compensation retirement multiplier from 1.7 percent to 1.8 percent.

Patron - Plum

HB511 Virginia Retirement System; retirement plans. Modifies the retirement plans administered by the Virginia Retirement System, including (i) having state employees pay a portion of their retirement contributions; (ii) for new state and local employees, increasing the minimum age for unreduced retirement allowance from 50 to 55, and reducing the maximum annual cost of living adjustments to retirement allowances; and (iii) permitting local employers to pay any portion of employees' share of retirement contributions (under current law local employers must pay all or none of such contributions).

Patron - Brink

HB610 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, 2010, 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

HB695 Virginia Retirement System; retirees hired as school board security personnel. Provides that retired persons who are members of the Virginia Retirement System, the State Police Officers' Retirement System, or the Virginia Law Officers' Retirement System may be hired as local school board security personnel without interruption of their retirement benefits under the following conditions: (i) the person has been receiving such retirement allowance for a minimum period of time as jointly determined by the Virginia Retirement System and the Joint Legislative and Audit Review Commission; (ii) the person has not retired pursuant to an early retirement incentive; and (iii) the person did not voluntarily resign or voluntarily retire under the Workforce Transition Act of 1995.

Patron - Miller, J.H.

HB727 Local defined contribution retirement plan. Permits any locality or school board to establish a defined contribution retirement plan in lieu of any other retirement plan, for employees hired after such plan is established.

Patron - Purkey

HB1055 Virginia Retirement System; health insurance credits. Increases the amount of monthly health insurance credits from \$1.50 per year of creditable service to \$4 per year of creditable service for retired Constitutional officers and their employees, general registrars and their employees, and employees of local social services boards. The bill is not in force any time that the entire cost of the health insurance credits is not paid by the Commonwealth.

Patron - Armstrong

HB1339 Virginia Retirement System; retired teachers returning to work. Removes the requirement that in order for a retired teacher to return to work and continue receiving retirement payments, the teacher must be returning to a position of which there is a critical shortage. The bill has a sunset date of July 1, 2013.

Patron - Gilbert

SB44 Mandatory retirement for district court judges. Increases the mandatory retirement age for district court judges from 70 to 76. This bill was incorporated into SB 206.

Patron - Stuart

SB92 Virginia Law Officers' Retirement System. Provides that the supplemental allowance currently paid to members upon retirement until age 65 would instead be paid until Social Security Retirement Age. This will only become effective upon an appropriation of general funds effectuating the purposes of the bill passed by the 2010 General Assembly.

Patron - Quayle

SB175 Virginia Law Officers' Retirement System (VALORS). Adds conservation officers of the Department of Conservation and Recreation as members of VALORS.

Patron - Deeds

SB206 Judicial retirement; mandatory retirement. Adjusts the mandatory retirement age under judicial retirement to age 73. Currently, judges are required to retire at age 70. This bill is a recommendation of the Judicial Council and incorporates SB 44.

Patron - Edwards

SB213 Virginia Retirement System; retirees hired as school board security personnel. Provides that a person retired under the Law-Enforcement Officers' Retirement System, the State Police Officers' Retirement System, or the Virginia Law Officers' Retirement System may be hired as a local school board security officer or security person without interruption of his retirement allowance under the following conditions: (i) the person has attained age 50 and has been retired for at least one full calendar year (or such longer period as established by the Board of the Virginia Retirement System) prior to commencing employment; (ii) the person has not retired pursuant to an early retirement incentive; (iii) the person did not voluntarily resign or voluntarily retire under the Workforce Transition Act of 1995; and (iv) the hiring school division pays to the Virginia Retirement System, during the person's employment as a local school board security officer or security person, the employer share of the retirement funding contribution that would otherwise be due if the person were a covered employee.

Patron - Barker

SB335 State retirees' group life insurance. Permits a retiree to make an irrevocable beneficiary designation of a portion of his group life insurance to purchase or secure funeral services, and services related to interment, cremation, or other means of disposition.

Patron - Hanger

SB368 Virginia Retirement System; creditable compensation of teachers. Provides that the creditable compensation of teachers for retirement purposes under the Virginia Retirement System shall include all compensation payable to teachers by their public school boards, including compensation that is not pursuant to a contract for teaching.

Patron - Puckett

SB722 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 at the option of the local school division and as a cost borne by the local government to which the local school division is affiliated.

Patron - Marsden

Persons with Disabilities

Passed

SB689 Virginia Office for Protection and Advocacy; dispute resolution proceedings. Requires the governing board of the Virginia Office for Protection and Advocacy to establish a policy and internal guidelines for the approval of the pursuit of legal remedies, including the initiation of any legal proceeding on behalf of the Office, any persons with disabilities, or any organization representing persons with disabilities.

Patron - Blevins

Failed

HB945 Disability services boards. Eliminates the requirement that localities establish local disability services boards and makes establishment of local disability services boards optional for localities. The bill amends the list of activities that a local disability services board may perform and abolishes the Disability Services Council and the Rehabilitative Services Incentive Fund, but provides that localities may establish a local fund for the purposes previously served by the Rehabilitative Services Incentive Fund.

Patron - Landes

SB316 Telecommunications relay service; funding. Defines "end-user equipment" as any communications device that enables or assists a person with a disability to communicate through the public-switched telephone network or internet protocol-enabled communications service, and changes the funding source for funds to cover costs associated with the purchase and distribution of end-user equipment from general to nongeneral (communications sales and use tax revenue) funds. The provisions of this act shall expire on July 1, 2012.

Patron - Locke

Police, State

Failed

HB9 State Police Volunteer Chaplaincy Program. Allows the Superintendent of State Police to establish a Volunteer Chaplaincy Program. The Superintendent may establish guidelines regarding the selection, conduct, and supervision of volunteers, but may not regulate the volunteers' expression of religious beliefs. The bill also requires that when a volunteer chaplain provides an invocation or benediction at a Department-sanctioned event, the printed program include a disclaimer that the beliefs expressed are those of the individual and are not endorsed or approved by the Department of State Police.

Patron - Carrico

HB255 State Police; gang membership reporting. Requires the Department of Juvenile Justice to enter the person's name and other appropriate gang-related information required by the Department of State Police into the information system known as the Organized Criminal Gang File of the Virginia Criminal Information Network when the Department of Juvenile Justice determines that the person is a member of a gang. This bill has been incorporated into HB 254.

Patron - Miller, P.J.

Prisons and Other Methods of Correction

Passed

HB256 Prisons; disposal of unclaimed personal property of prisoner. Provides that if any prisoner in a state, local or community correctional facility leaves personal property valued at less than \$100 in the custody of such facility for 30 days upon being transferred to another facility, the director or sheriff, as the case may, may sell the property. The bill further provides that if any prisoner, upon being released or having escaped, leaves such property at the time of his release or escape, the Director or the sheriff, as the case may be, may sell such property at public sale or may otherwise dispose of the property. Currently, such property must be held for six months.

Patron - Miller, P.J.

HB357 Jail farms; transportation of prisoners. Allows for a regional jail operated within Planning District Five (Roanoke Valley-Alleghany) to transport prisoners, upon their release, back to the locality where arrested or convicted.

Patron - Ware, O.

HB361 Regional jails; disposition of fees for prisoners' keep. Allows regional jails to retain fees collected for prisoners' keep instead of crediting those fees to the locality that incarcerated the inmate.

Patron - Ware, O.

HB543 Prisoners; maintenance of highways; grass cutting. Authorizes the use of prisoner labor to maintain the medians or other nontraveled portions of state highways.

Patron - Marshall, D.W.

HB757 Work by prisoners; removal of graffiti, etc. Allows prisoners confined to jail to work on private property to remove graffiti in those localities which have adopted an ordinance undertaking such projects.

Patron - Stolle

HB758 Workforces; private property. Allows a local workforce to perform work on private property owned or occupied by elderly or indigent persons if the property is identified by a citizens housing advisory committee as needing rehabilitation or repair and the property owner consents to the work.

Patron - Stolle

HB913 Victims of crime may visit perpetrator in prison facility. Provides that the Department of Corrections shall promulgate a policy to assist a person who was the victim of a crime committed by an offender incarcerated in any state correctional facility to visit with such offender. Such guidelines may include provisions necessary to preserve the safety and security of those at such visit and the good order of the facility, including consideration of the offender's security level, crime committed, and institutional behavior of the offender. Where appropriate, the Department shall make whatever arrangements are necessary to effectuate such a visit. The provisions of this bill do not apply (i) to juvenile victims or (ii) when the offender has been sentenced to death.

Patron - Bell, Robert B.

HB1161 Jailer-issued identification for prisoners. Allows sheriffs, jail superintendents and jail administrators to

issue a special identification card to prisoners who do not possess valid ID at release. All costs shall be paid by the prisoner.

Patron - Cosgrove

[P]SB528 Prisons; Treatment and control of prisoners. Requires a licensed psychiatrist or licensed clinical psychologist who is experienced in the diagnosis, treatment, and risk assessment of sex offenders to oversee sex offender treatment programs in the Virginia Department of Corrections. The program shall be administered by a licensed psychiatrist, licensed clinical psychologist, or a licensed mental health professional who is a certified sex offender treatment provider.

Patron - Puller

[P]SB670 Payment of fines and costs by DOC inmates. Requires a person committed to the Department of Corrections who owes court imposed fines, costs, forfeitures, restitution or penalties to contribute part of his pay to such obligations as a condition of participating in a correctional facility work program.

Patron - McDougale

Failed

[F]HB139 Exceptions as to purchases from state correctional facilities. Allows exception for purchase of products by state agencies where the cost of purchase and installation is more than 10 percent over the cost of the product and the product is commonly commercially available, or the requisition made cannot be complied with on account of an insufficient supply of the articles or supplies.

Patron - Pollard

[F]HB151 Assignment to home/electronic incarceration program. Provides that home/electronic incarceration is deemed to be a term of confinement for an offender who has been convicted and sentenced to a term of confinement, and that a court can assign home/electronic incarceration without it being a condition of probation. The bill also provides that good conduct credit may be earned by a prisoner assigned to a home/electronic incarceration program.

Patron - O'Bannon

[F]HB160 Relating to mandatory testing of prisoners for HIV. Requires the Department of Corrections to test all prisoners received by the Department for human immunodeficiency virus and authorizes the Department to test for human immunodeficiency virus as the Department shall deem necessary.

Patron - Dance

[F]HB721 Courthouse and courtroom security. Authorizes a sheriff to contract with a licensed private security services business and designate licensed private security services registrants employed by such business to ensure that the courthouses and courtrooms within his jurisdiction are secure from violence and disruption. Any private security services registrant designated to provide courthouse and courtroom security is required to meet established training standards.

Patron - Peace

[F]HB838 Local correctional facilities; use of state funds for local alternative incarceration programs. Allows the use of state funds appropriated for financial assistance for the confinement of persons in local facilities for local alternative incarceration programs.

Patron - Carr

[F]HB1031 Correctional enterprises; intentional violations constitute malfeasance; exception. Allows for an exception to required state purchases through correctional enterprises where outside purchases amounting to malfeasance were intended to reduce the expenditure of public moneys.

Patron - Pollard

[F]SB637 Authority of jail superintendent and jail officers to serve process. Provides that the superintendent and jail officers at regional jail facilities are invested with the powers and authority of a sheriff or sheriff's deputy for the purpose of service of civil and criminal process upon inmates within the jail or jail farm, provided the officers who do so have received the same training with regard to service of civil and criminal process as is given sheriffs and sheriff's deputies with like responsibility.

Patron - Smith

Carried Over

[C]HB15 Custody in state and local correctional facilities of those accused or convicted of federal terrorism. Provides that no person who is accused or convicted of terrorism in violation of federal law, as terrorism is defined in 18 U.S.C. § 2331, shall be held in custody in any state, regional, or local correction facility unless (i) such person is also accused or convicted of a violation of state or local law or (ii) there is an agreement or contract with the federal government, as of June 30, 2010, to hold federal prisoners, which may include any such person, at such state, regional, or local correctional facility.

Patron - Marshall, R.G.

[C]HB1316 Corrections; residential community programs. Directs the Department of Corrections, where appropriate and when 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 allows for up to 30 percent of the prisoner's gross earnings to be withheld to offset the cost of the prisoner's keep. The Secretary of Public Safety is required to prescribe guidelines for the program that emphasize training and education related to job skills, literacy, money management, and other life skills.

Patron - BaCote

Professions and Occupations

Passed

[P]HB83 Pawnbrokers; daily reports. Authorizes any local governing body to enact an ordinance requiring a pawnbroker to maintain and file a daily report electronically through the use of a disk, electronic transmission, or any other electronic means of reporting approved by a law-enforcement officer. Currently, such authorization is limited to any town with a population between 13,000 and 14,000.

Patron - Knight

[P]HB143 Practitioner self-referral. Clarifies when a health care practitioner may make a referral to an entity in which he or an immediate family member is an investor.

Patron - O'Bannon

HB153 Physical therapy; advertising. Provides that no person shall advertise services using the words "physical therapy" or "physiotherapy" unless those services are provided by a physical therapist or physical therapist assistant, and establishes a process for reporting possible violations. This bill is identical to SB 195.

Patron - O'Bannon

HB192 Fair Housing Board educational materials on the Fair Housing Law; affidavit. Establishes that the Fair Housing Board shall promulgate regulations regarding educational materials concerning the Fair Housing Law, and persons in the business of selling or renting dwelling units without a real estate broker shall submit an affidavit to the Board that they have read and understood the law. This is a recommendation of the Virginia Housing Commission. This bill incorporates HB 405.

Patron - Cosgrove

HB201 Funeral services; handling of human remains. Provides that, upon taking custody of a dead human body, a funeral service establishment shall maintain the body in a manner that provides complete coverage and is resistant to leakage or spillage. If the body is to be stored for more than 48 hours prior to disposition, the establishment shall maintain the body in refrigeration or, with the express permission of the next of kin, have the body embalmed and, if the body is to be stored for more than 10 days at a location other than the establishment, disclose the location where the body is to be stored and the method of storage.

Patron - Alexander

HB231 Interpleader of real estate escrows. Establishes that suits in interpleader of real estate escrows shall go to General District Court, and protects escrow funds in the event of a real estate foreclosure. This bill is recommended by the Virginia Housing Commission.

Patron - Dance

HB250 Board for Contractors; Class C license. Raises the threshold for which a person must have a Class C contractor's license from less than \$7,500 to less than \$10,000. As a result, the Class B threshold is also raised from \$7,500 or more to \$10,000 or more.

Patron - Merricks

HB267 Advance Health Care Directive Registry. Eliminates the requirement that an advance directive or revocation of an advance directive be notarized before being submitted to the Advance Health Care Directive Registry. This provision will not go into effect until the Advance Health Care Directive Registry is created. This bill also requires the Commissioner of Health to work together with the Department for the Aging, Department of Health Professions, Bureau of Insurance, Virginia State Bar and other stakeholders to develop and implement a plan for informing the public about the availability of the Advance Health Care Directive Registry. This bill contains an emergency clause.

Patron - Englin

HB278 Funeral services; disposition of remains. Requires a funeral services provider to refrigerate or, with the express permission from the next of kin, embalm human remains within 48 hours of the receipt of such remains. The bill also provides that a person designated in a signed and notarized writing shall take priority over next of kin in making funeral arrangements, and clarifies procedures where the deceased has designated a person to make arrangements for his funeral and

disposition of his remains on a U.S. Department of Defense Record of Emergency Data.

Patron - Albo

HB286 Schedule VI prescriptions; certain infectious diseases. Authorizes a health care practitioner to prescribe Schedule VI antibiotics and antiviral agents to a person in close contact with a diagnosed patient of the practitioner without first conducting a physical examination of the person when the practitioner has a bona fide practitioner-patient relationship with the diagnosed patient, the practitioner meets all requirements for a bona fide practitioner-patient relationship with the person in close contact with the diagnosed patient other than the requirement for a physical examination, the practitioner believes that there is urgency to begin treatment to prevent transmission of a communicable disease, and emergency treatment is necessary to prevent imminent risk of death, life-threatening illness, or serious disability.

Patron - Dance

HB308 Regulation of mobile dental clinics. Requires the Board of Dentistry to develop regulations for the registration of mobile dental clinics and other portable dental operations.

Patron - O'Bannon

HB319 Funeral services; prerequisites for cremation. Removes the 24-hour waiting period as a possible prerequisite for cremation, and replaces it with a form of identification other than visual identification by next of kin, to be determined by the Board of Funeral Directors and Embalmers in regulations.

Patron - Alexander

HB382 Funeral services. Provides that when a person dies while on active military duty and has designated an individual to make arrangements for his funeral and disposition of his remains on a U.S. Department of Defense Record of Emergency Data, the designee shall be responsible for making such arrangements.

Patron - Sherwood

HB406 Board for Contractors; certification of accessibility mechanics. Provides for the certification of accessibility mechanics by the Board for Contractors. An "accessibility mechanic" is an individual who erects, constructs, installs, alters, services, repairs, tests, or maintains wheelchair lifts, incline chairlifts, certain dumbwaiters, and private residence elevators, in accordance with the Uniform Statewide Building Code. The bill is identical to SB 215.

Patron - Oder

HB408 Real Estate Appraiser Board; regulation of appraisal management companies. Provides for the regulation of real estate appraisal management companies by the Real Estate Appraiser Board.

Patron - Oder

HB409 Board for Contractors; prerequisite for obtaining business license. Requires any contractor applying for or renewing a business license in any locality to furnish prior to the issuance or renewal of the business license either (i) satisfactory proof that he is duly licensed or certified as a contractor or (ii) a written statement, supported by an affidavit, that he is not subject to licensure or certification as a contractor or subcontractor. The bill also prohibits any locality from issuing or renewing a business license unless the contractor has furnished his contractor license or certificate number or evi-

dence of being exempt licensure as a contractor. This bill incorporates HB 983.

Patron - Oder

HB416 Board for Contractors; membership. Adds a certified water well systems provider as a member to the Board for Contractors. The bill contains a technical amendment.

Patron - Oder

HB468 Common interest communities; exemptions from licensure; powers and duties of Common Interest Community Board. Provides that a resident who provides bookkeeping, billing, or record keeping services to his association for compensation is not required to be licensed as a common interest community manager provided the fidelity bond maintained by the association insures the association against losses resulting from theft or dishonesty committed by such person. The bill requires that of the three citizen members of the Common Interest Community Board, one such member must serve or have served on the governing board of an association that is not professionally managed at the time of appointment. The bill contains technical amendments.

Patron - Watts

HB476 Regulation of polygraphs and other detection devices. Authorizes the Director of the Department of Professional and Occupational Regulation to approve the use of mechanical devices used to detect deception or verify truthfulness other than polygraphs. The use of such devices would be regulated, and operators of such devices would be required to be licensed just as polygraph examiners are currently licensed.

Patron - Carrico

HB587 Pharmacists; supervision of pharmacy technicians. Allows the Board of Pharmacy to set in regulations the maximum number of pharmacy technicians that a pharmacist may supervise.

Patron - Landes

HB590 Department of Professional and Occupational Regulation. Removes obsolete language from various sections of Title 54.1 and repeals one obsolete section of Title 54.1. This bill is a recommendation of the Virginia Code Commission.

Patron - Landes

HB650 Funeral services; disputes between next of kin. Provides a judicial process for determining who makes the decision for the arrangements for a decedent's funeral or the disposition of his remains when there is a dispute between the next of kin.

Patron - Armstrong

HB662 Health professions; disciplinary actions. Amends the disciplinary authority of the Department of Health Professions and its regulatory boards to (i) authorize the boards to accept the surrender of a license in lieu of disciplinary action, (ii) authorize a panel of a board to consider the recommendation of an agency subordinate, (iii) conform the prohibition on licensure reinstatement to the Nurse Licensure Compact, and (iv) allow the Department to immediately suspend a license in response to disciplinary action or felony convictions in any jurisdiction, or in response to license surrender in lieu of disciplinary action.

Patron - Morrissey

HB713 Board for Contractors; prerequisite for obtaining business license. Requires any contractor applying

for or renewing a business license in any locality to furnish prior to the issuance or renewal of the business license either (i) satisfactory proof that he is duly licensed or certified as a contractor or (ii) a written statement, supported by an affidavit, that he is not subject to licensure or certification as a contractor or subcontractor. The bill also prohibits any locality from issuing or renewing a business license unless the contractor has furnished his contractor license or certificate number or evidence of being exempt licensure as a contractor.

Patron - Peace

HB723 Health professions; practice of podiatry; expert witness. Clarifies that the practice of podiatry includes the prevention, diagnosis, treatment, and cure or alleviation of physical conditions, diseases, pain, or infirmities of the human foot and ankle, including the medical, mechanical, and surgical treatment of the ailments of the human foot and ankle. The bill also provides that a podiatrist shall not be permitted to testify as an expert witness against a doctor or osteopath where such doctor or osteopath is a defendant in a medical malpractice case or medical malpractice review panel proceeding. The bill states that an emergency exists and that the bill is effective upon passage. This bill is identical to SB 82.

Patron - Peace

HB725 Polysomnographic technologist; license required. Provides that no person shall practice as a polysomnographic technologist or assume the title "licensed polysomnographic technologist," "polysomnographic technologist," or "licensed sleep tech" unless such person is licensed by the Board of Medicine. This bill also creates the Advisory Board on Polysomnographic Technology to assist the Board in establishing the qualifications, examination, and other requirements for the regulation of licensed polysomnographic technologists.

Patron - Peace

HB792 Temporary licenses and certificates. Authorizes the regulatory boards within the Department of Professional and Occupational Regulation to issue a temporary license or certification to an applicant who holds a comparable license or certification issued by another state. A temporary license or certification shall be valid for not more than 45 days. This bill incorporates HB 739. SB 474 is identical.

Patron - LeMunyon

HB797 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; limitation of liability contract clauses. Allows entities consisting of design professionals to include limitation of liability clauses in their contracts to perform services; but provides that individual licensees are not relieved of any responsibility that may exist for services performed by reason of employment or other relationship with an entity. The bill contains a technical amendment.

Patron - Griffith

HB953 Schedule II, Schedule III, Schedule IV, and Schedule V drugs. Adds tapentadol to Schedule II; boldione, desoxymethyltestosterone (madol), and 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione) to Schedule III; fospropofol to Schedule IV, and lacosamide to Schedule V of the drug control act.

Patron - Jones

HB963 Department of Professional and Occupational Regulation; Real Estate Board. Establishes a voluntary compliance program within the Real Estate Board to allow certain real estate brokers to bring practices, policies and procedures into compliance with applicable laws and regulations. In addition, the bill provides for the Real Estate Board to estab-

lish minimum education requirements for licensure by reciprocity.

Patron - Miller, J.H.

HB964 Schedule II drugs; require identification in filling prescriptions. Provides that a pharmacist shall require proof of identity from any person seeking to fill a prescription for a Schedule II drug before dispensing such drug and shall make a copy of such identification, unless the person seeking to fill the prescription is known to the pharmacist. This bill also provides that a pharmacist shall record the name and address of any person who seeks to fill a prescription for a Schedule II drug if the person is not the patient for whom the drug is prescribed, and that a pharmacist shall maintain records of names, addresses and, where required, copies of identification documents for at least one year. If such a prescription is delivered by mail, the delivery method employed must require the signature of the recipient as confirmation of receipt.

Patron - Lohr

HB982 Precious metals dealers; penalties for violation. Makes automatic a two-year revocation of a permit as a precious metals dealer for a second conviction for violation of any of the precious metals dealers laws.

Patron - Hugo

HB1145 Veterinarians; reporting suspected animal cruelty. Provides that any veterinarian who makes a report of suspected animal cruelty or who provides records or information related to a report of suspected cruelty or testifies in any judicial proceeding arising from such report, records, or information shall be immune from any civil or criminal liability or administrative penalty or sanction on account of such report, records, information, or testimony, unless such veterinarian acted in bad faith or with malicious purpose.

Patron - Scott, J.M.

HB1166 Unlawfully obtaining or attempting to obtain controlled substances; report. Provides that any person authorized to prescribe, dispense, or administer controlled substances pursuant to § 54.1-3408 who has reason to suspect that a person has obtained or attempted to obtain a controlled substance or prescription for a controlled substance by fraud or deceit may report the activity to the local law-enforcement agency for investigation. Any person who, in good faith, makes a report or furnishes information or records to a law-enforcement officer or entity pursuant to this section shall not be liable for civil damages in connection with making such report or furnishing such information or records.

Patron - Phillips

HB1219 Department of Professional and Occupational Regulation; powers and duties with respect to polygraph examiners. Clarifies the authority of the Department of Professional and Occupational Regulation with respect to the polygraph examiners regulatory program to (i) charge fees for issuing licenses and renewals, (ii) conduct investigations, (iii) enter into consent agreements related to investigations and disciplinary proceedings, and (iv) impose monetary penalties. In doing so the bill conforms the powers and duties of the agency for the polygraph examiners regulatory program to the powers and duties for other regulatory programs that it administers.

Patron - Carrico

HB1272 Department of Professional and Occupational Regulation; power and duties with respect to boxing, wrestling, and martial arts events. Clarifies the authority of the Department of Professional and Occupational Regulation to impose monetary penalties and enter into consent agreements related to investigations and disciplinary proceedings for

the boxing, wrestling, and martial arts regulatory program. In doing so the bill conforms the powers and duties of the agency for the boxing, wrestling, and martial arts regulatory program to the powers and duties held by the agency for other regulatory programs that it administers.

Patron - Phillips

HB1376 Board of Nursing; guidelines on administration of drugs to public school students with epilepsy and other seizure disorders. Directs the Board of Nursing to revise, in coordination with the Board of Medicine, guidelines for seizure management, including the list of rescue medications, for students with epilepsy and other seizure disorders. This bill provides that revised guidelines shall be finalized before August 1, 2010 and made available to local school boards for a fee not to exceed the cost of publication. This bill also requires the Board of Education to develop a standardized form to be used for authorizing administration of such medications in public schools.

Patron - Sickles

SB13 Determination of brain death; critical care specialist. Adds critical care specialists to the list of specialists who can make the determination of when a patient is brain dead.

Patron - Howell

SB82 Health professions; practice of podiatry; expert witness. Clarifies that the practice of podiatry includes the prevention, diagnosis, treatment, and cure or alleviation of physical conditions, diseases, pain, or infirmities of the human foot and ankle, including the medical, mechanical, and surgical treatment of the ailments of the human foot and ankle. The bill also provides that a podiatrist shall not be permitted to testify as an expert witness against a doctor or osteopath where such doctor or osteopath is a defendant in a medical malpractice case or medical malpractice review panel proceeding. The bill states that an emergency exists and that the bill is effective upon passage. This bill is identical to HB 723.

Patron - Howell

SB104 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; limitation of liability contract clauses. Allows entities consisting of design professionals to include limitation of liability clauses in their contracts to perform services; but provides that individual licensees are not relieved of any responsibility that may exist for services performed by reason of employment or other relationship with an entity. The bill contains a technical amendment.

Patron - McDougle

SB108 Daily reports of pawnbrokers. Authorizes any local governing body to enact an ordinance requiring a pawnbroker to maintain and file a daily report electronically through the use of a disk, electronic transmission, or any other electronic means of reporting approved by a law-enforcement officer. Currently, such authorization is limited to any town with a population between 13,000 and 14,000 (Front Royal). This bill incorporates SB 169.

Patron - McDougle

SB194 Health professions; certain consumer-directed services. Clarifies that nothing in Title 54.1 shall prevent any person from performing state or federally funded health care tasks directed by a consumer, which are typically self-performed, for an individual consumer who lives in a private residence and who, by reason of disability, is unable to perform such tasks but who is capable of directing the appro-

prate performance of such tasks. This includes the administration of non-oral, non-topical drugs.

Patron - Northam

[P]SB195 Physical therapy; advertising. Provides that it shall be unlawful for any person to advertise or promote services as "physical therapy" or "physiotherapy" unless such services are provided by a licensed physical therapist or physical therapist assistant. This bill is identical to HB 153.

Patron - Northam

[P]SB215 Board for Contractors; certification of accessibility mechanics. Provides for the certification of accessibility mechanics by the Board for Contractors. An "accessibility mechanic" is an individual who erects, constructs, installs, alters, services, repairs, tests, or maintains wheelchair lifts, incline chairlifts, certain dumbwaiters, and private residence elevators, in accordance with the Uniform Statewide Building Code. This bill is identical to HB 406.

Patron - Locke

[P]SB216 Fair Housing Board certification program. Provides that the Fair Housing Board shall promulgate regulations regarding educational materials concerning the Fair Housing Law, and persons in the business of selling or renting dwelling units without a real estate broker shall submit an affidavit to the Board that they have read and understood the law. This is a recommendation of the Virginia Housing Commission.

Patron - Locke

[P]SB273 Assessments for affordable housing units. Provides that assessments for certain affordable housing units be done according to the income approach, based on the property's current use and restrictions. This bill is a recommendation of the Virginia Housing Commission.

Patron - Whipple

[P]SB275 Advance medical directives. Clarifies authority of an advance directive in cases in which a person is subject to an emergency custody, temporary detention, involuntary admission, or mandatory outpatient treatment order; eliminates the requirement that a second physician or licensed clinical psychologist provide a written certification that a patient is incapable of making an informed decision in cases in which the patient is unconscious or experiencing a profound impairment of conscious function due to trauma, stroke, or other acute physiological condition; adds a provision authorizing a person who has exhibited special care and concern for a patient and is familiar with the patient's beliefs and values to make health care decisions on that patient's behalf if the patient is incapable of making an informed decision, except in cases in which the proposed treatment involves the withholding or withdrawing of a life prolonging procedure; and clarifies the procedure regarding decisions over a patient's protest. This bill also provides that a public guardian may authorize admission of an incapacitated person to a mental health facility in certain situations.

Patron - Whipple

[P]SB423 Liability of certain health care practitioners. Provides that no health care practitioner who renders at any site health care services, voluntarily and without compensation, to a patient of a clinic for the indigent and uninsured that is organized for the delivery of primary health care services as a federally qualified health center designated by the Centers for Medicare & Medicaid Services, shall be liable for any civil damages for any act or omission resulting from the rendering of such services unless the act or omission was the result of his gross negligence or willful misconduct.

Patron - Herring

[P]SB457 Department of Professional and Occupational Regulation; Real Estate Board. Establishes a voluntary compliance program within the Real Estate Board to allow certain real estate brokers to bring practices, policies and procedures into compliance with applicable laws and regulations. In addition, the bill provides for the Real Estate Board to establish minimum education requirements for licensure by reciprocity. The bill also provides for the licensure of persons providing business broker services in the Commonwealth with the regulatory program to be administered by the Director of the Department of Professional and Occupational Regulation.

Patron - McEachin

[P]SB474 Temporary licenses and certificates. Authorizes the regulatory boards within the Department of Professional and Occupational Regulation to issue a temporary license or certification to an applicant who holds a comparable license or certification issued by another state. A temporary license or certification shall be valid for not more than 45 days. HB 792 is identical.

Patron - Watkins

[P]SB596 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; issuance of license; emeritus designation. Establishes an emeritus designation for licensees of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects who have retired from their practice provided (i) the license has not been revoked or suspended by the Board and (ii) the license holder does not practice or offer to practice architecture, engineering, land surveying, or landscape architecture.

Patron - Deeds

[P]SB665 Common Interest Community Board; powers and duties. Clarifies the authority of the Common Interest Community Board to impose monetary penalties and enter into consent agreements related to investigations and disciplinary proceedings. In addition, the bill (i) authorizes the Board to use informal fact-finding conferences in lieu of formal hearings and (ii) clarifies the authority of the Board regarding property owners' associations.

Patron - Whipple

Failed

[F]HB253 Registered and practical nurses; licensure qualifications. Allows an applicant for licensure as a registered or practical nurse to substitute certain military training and service for the formal nursing education requirement.

Patron - Merricks

[F]HB335 Residency training in obstetrics and gynecology. Provides that the Board of Medicine may not deny an otherwise qualified and eligible candidate for admission to the examination for licensure to practice medicine, if the candidate completed a course of study which was not accredited by the Accreditation Council of Graduate Medical Education solely for failure to provide training in the procedure of induced abortion in residency training in obstetrics and gynecology. The Board is required to apply to the U.S. Secretary of Education to seek approval as a recognized accrediting agency for the purpose of accrediting medical education programs in Virginia. After receiving such recognition, the Board must provide in its regulations that no candidate for the examination to practice medicine shall be required to complete training in the procedure of induced abortion in residency training in obstetrics and gynecology.

Patron - Marshall, R.G.

HB348 Common interest communities; annual assessment by Common Interest Community Board. Changes from the lesser of \$1,000 to \$2,000 and from five hundredths of one percent (0.05 percent) to two hundredths of one percent (0.02 percent), the amount of the annual assessment owed to the Common Interest Community Board to support its operation. This change is reflected in both the Condominium Act and the Property Owners Association Act.

Patron - Watts

HB405 Fair Housing Board; fair housing certification program. Requires the Fair Housing Board to establish and mandate, by regulation, an education-based certification program for persons subject to the Fair Housing Law who are involved in the business or activity of selling or renting dwellings. The regulations shall provide that such persons take a minimum of two hours of fair housing training every two years to maintain the required certification. The Board shall have the authority to approve training courses and instructors in furtherance of the provisions of this chapter, which shall include an update on current cases and administrative decisions under fair housing laws. The regulations shall further provide that a person required to be certified who fails to obtain or maintain certification as provided herein shall be subject to a civil penalty imposed by the Board of not more than \$250. Civil penalties assessed shall be paid into the dedicated special revenue fund of the Department of Professional and Occupational Regulation. The Board shall post on its website the requirements for certification and include notice on the certificates of the dates for which the certification shall remain valid. The Board shall provide at least 45 days notice to the person certified that their certification is due for renewal. The bill also defines the term "person in the business or activity of selling or renting dwellings." This bill was incorporated into HB 192.

Patron - Oder

HB439 Common Interest Community Board; provisional licenses for property managers. Requires the Common Interest Community Board to issue a provisional license to any person, partnership, corporation, or other entity offering management services to a common interest community on or before December 31, 2010, who makes application for licensure prior to January 1, 2011. Such provisional license shall expire on June 30, 2012. Currently, such dates are December 1, 2008, January 1, 2009, and June 30, 2011, respectively.

Patron - Toscano

HB520 Sale of firearms at firearms shows. Requires any person who has a fixed location at a firearms show to display and sell firearms and any person who sells three or more firearms at a firearms show, regardless of whether he has a fixed location, to be licensed as a Virginia firearms dealer.

Patron - Morrissey

HB598 Cemetery Board; exemptions. Exempts from licensure any person engaged in the resale of any grave or entombment right in a cemetery located in the Commonwealth provided the resale includes the complete transfer of all preneed burial contract rights associated with the grave or entombment right.

Patron - Massie

HB625 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 - Kilgore

HB634 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; exceptions from licensure. Provides an exemption from licensure for certain conduct related to the design of alternative onsite sewage systems receiving residential wastewater. The bill contains technical amendments.

Patron - Scott, E.T.

HB659 Funeral services; burial power of attorney. Provides that a person may designate in a signed and notarized writing an individual who shall make arrangements for his funeral and the disposition of his remains, including cremation, upon his death. Such designee shall have priority over all persons entitled to make such arrangements. The bill further provides that notwithstanding the above, any contract made by a decedent's next of kin with a funeral establishment or cemetery for the decedent's funeral and burial shall be an obligation of the decedent's estate, to the extent that goods have been provided and services have been rendered without knowledge by the funeral establishment or cemetery of such designation. This bill is in response to an opinion of the Office of the Attorney General.

Patron - Armstrong

HB798 Administration and dispensing of necessary drugs by emergency medical services personnel. Provides that certified emergency medical services personnel who are employed by or affiliated with a licensed emergency medical services agency and who have received the training necessary to safely administer or dispense necessary drugs may administer skin tests for influenza or tuberculosis in nonemergency settings to public safety personnel and, upon the request of the local health director, the general public. This bill was incorporated into HB 173.

Patron - Griffith

HB833 Board for Asbestos, Lead, Mold, and Home Inspectors; regulation of home energy auditors. Provides for the licensure of home energy auditors by the Board for Asbestos, Lead, Mold, and Home Inspectors. The bill defines home energy audits and includes one licensed home energy auditor to be appointed to the Board for Asbestos, Lead, Mold, and Home Inspectors, and changes the name of the Board to Board for Asbestos, Lead, Mold, Home Inspectors, and Home Energy Auditors.

Patron - Surovell

HB983 Board for Contractors; installation of HVAC systems. Authorizes the Board for Contractors, in addition to the requirements of the Uniform Statewide Building Code, to establish by regulation a requirement for any tradesman required to be licensed to install any HVAC system or equipment in compliance with any manufacturer's specifications for same as may be contained in the manufacturer's warranty on such system or equipment. Such regulation may also include a provision requiring such system or equipment to be installed by a factory-trained tradesman. This bill was incorporated into HB 409.

Patron - Jones

HB1008 Board for Contractors; license renewal; continuing education for contractors. Authorizes the Board for Contractors to establish in its regulations a requirement for the successful completion of a course on building codes, not to exceed three hours of classroom instruction, as a prerequisite

to renewal of any license. The Board may approve such courses as it deems appropriate.

Patron - Athey

[F]HB1079 Certain cemetery companies exempt from reporting requirements. Exempts cemetery companies that sell plots of land to an individual or individuals for use as a family burial plot from any requirement that they create and maintain records of interments.

Patron - Lewis

[F]HB1168 Health professionals; instruction on pain management and addiction. Requires that education programs for physicians, nurses, and pharmacists include instruction in pain management and addiction.

Patron - Phillips

[F]HB1169 Continuing education for prescribers; substance abuse, addiction, and related pain management and prescribing practices. Requires the Board of Dentistry, Board of Medicine, and Board of Optometry to require continuing education on the topics of substance abuse, addiction, and related pain management and prescribing practices for practitioners licensed by the Board who are authorized to prescribe controlled substances.

Patron - Phillips

[F]HB1170 Random drug screens for certain prescriptions. Requires any physician who prescribes a Schedule II, III, or IV controlled substance for a duration greater than 31 days to require the recipient of such prescription to undergo mandatory random urine drug screening tests.

Patron - Phillips

[F]HB1178 Combative fighting; prohibition; penalty. Provides that a person who engages in the promotion, arrangement or conduct of or participates in combative fighting is guilty of a Class 1 misdemeanor, and a Class 6 felony for a third offense within three years. Combative fighting is defined as any unlicensed boxing or wrestling match, contest, or exhibition where the participants, with or without gloves or protective equipment, use their hands, feet, or both to strike each other, including "tough man contests," "tough woman contests," and "fight clubs."

Patron - Phillips

[F]HB1310 Board for Contractors; certification of direct exchange geothermal heat pump ground loop system providers. Requires the certification of direct exchange geothermal heat pump ground loop system providers by the Board for Contractors. The bill defines "direct exchange geothermal heat pump ground loop system provider" and provides that direct exchange geothermal heat pump ground loop system providers shall continue to be certified as water well systems providers until such time as the Board for Contractors adopts final regulations for direct exchange geothermal heat pump ground loop system providers.

Patron - Bulova

[F]SB169 Pawnbrokers; daily reports. Allows Spotsylvania County to enact an ordinance to require a pawnbroker to maintain and file a daily report electronically through the use of a disk, electronic transmission, or any other electronic means of reporting approved by the law-enforcement officer. This bill was incorporated into SB 108.

Patron - Houck

[F]SB187 Certain prescriptions; substitutions prohibited. Prohibits a pharmacist from dispensing a therapeutically equivalent drug product for a prescription for an anti-epileptic

drug without prior notification of, and the signed informed consent for, such substitution from the prescribing physician and the patient or his legal guardian or representative.

Patron - Northam

[F]SB214 Fair Housing Board educational materials on the Fair Housing Law; affidavit. Establishes that the Fair Housing Board shall promulgate regulations regarding educational materials concerning the Fair Housing Law, and persons in the business of selling or renting dwelling units without a real estate broker shall submit an affidavit to the Board that they have read and understood the law. This is a recommendation of the Virginia Housing Commission.

Patron - Locke

[F]SB263 Nurse practitioners; licensure. Moves responsibility for licensure and regulation of nurse practitioners from the Boards of Medicine and Nursing jointly to the Board of Nursing. Also, creates the Advisory Board on Nurse Practitioners and removes certain physician supervision requirements.

Patron - Whipple

Carried Over

[C]HB424 Audiologists; authority to dispense hearing aids. Provides that licensed audiologists may also engage in the practice of fitting or dealing in hearing aids without obtaining a separate license from the Board of Hearing Aid Specialists.

Patron - Hope

[C]HB512 Lyme disease; long-term antibiotic therapy allowed. Allows a licensed physician to prescribe, administer, or dispense long-term antibiotic therapy to a patient diagnosed with Lyme disease. Also specifies that the Board of Medicine shall not initiate a disciplinary action against a licensed physician solely for prescribing, administering, or dispensing long-term antibiotic therapy to a patient clinically diagnosed with Lyme disease, provided such clinical diagnosis and treatment has been documented in the patient's medical record by such licensed physician. This bill incorporates HB 897, HB 1017 and HB 1288.

Patron - Rust

[C]HB597 Signing of death certificates; continuing education upon receipt of three or more complaints. Provides that any physician about whom three or more complaints have been filed regarding failure to complete medical certification for a death certificate within the required 24 hours, may be required to complete continuing education on the requirement and process for medical certification for death certificates.

Patron - Massie

[C]HB601 Registration of medical laboratory scientists and medical laboratory technicians. Provides that it shall be unlawful for any person to practice or hold themselves out as practicing as a medical laboratory scientist or medical laboratory technician unless they have been registered with the Board of Medicine.

Patron - O'Bannon

[C]HB1024 Funeral services; designation of authorized persons. 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 pri-

ority. This bill grants funeral services providers 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 - Hugo

[C]HB1164 Carisoprodol; add to Schedule IV. Adds carisoprodol to Schedule IV of the Drug Control Act.

Patron - Phillips

[C]HB1165 Tramadol; add to Schedule IV. Adds tramadol to Schedule IV of the Drug Control Act.

Patron - Phillips

[C]HB1167 Prescribing Schedule II, Schedule III, or Schedule IV controlled substances. Requires any prescriber who prescribes a controlled substance included in Schedule II, Schedule III, or Schedule IV of the Drug Control Act to request and review information about that patient from the Prescription Monitoring Program, and to continue to do so at least annually for so long as the prescriber continues to prescribe the controlled substance to the patient.

Patron - Phillips

[C]HB1385 Cemetery Board; exemptions. Exempts from licensure any person engaged in the resale of any grave or entombment right in a cemetery located in the Commonwealth provided the resale includes the complete transfer of all preneed burial contract rights associated with the grave or entombment right. The bill also removes the provision that deems an interment right abandoned if not used by the owner for a period of fifty years or more. Under current law in such cases the interment right is deemed to revert to the owner of a cemetery provided certain provisions of notice are followed by the cemetery owner.

Patron - Alexander

[C]SB374 Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals; installer of alternative onsite sewage systems. Provides a waiver from a written examination for applicants for licensure as an installer of alternative onsite sewage systems if the applicant can provide satisfactory proof to the Board of having been actively and continuously providing services as an installer of alternative onsite sewage systems immediately prior to July 1, 2009, for at least two years.

Patron - Puckett

[C]SB573 Kinesiotherapists; licensure required. Creates a Board of Kinesiotherapy within the Department of Health Professions responsible for the licensure and regulation of kinesiotherapists.

Patron - Ticer

[C]SB687 Carisoprodol and tramadol; add to Schedule IV. Adds carisoprodol and tramadol to Schedule IV of the Drug Control Act.

Patron - Reynolds

[C]SB727 Kinesiotherapists; licensure required. Creates a Board of Kinesiotherapy within the Department of Health Professions responsible for the licensure and regulation of kinesiotherapists.

Patron - Miller; Y.B.

Property and Conveyances

Passed

[P]HB191 Common Interest Community Board clarification for complaints. Specifies that each association shall establish a procedure for resolution of complaints and must adhere to the created procedure. This bill was recommended by the Virginia Housing Commission.

Patron - Cosgrove

[P]HB213 Virginia Residential Landlord and Tenant Act and the Landlord and Tenant law; definition of landlord. Provides that the definition of landlord in the Virginia Residential Landlord and Tenant Act and the Landlord and Tenant law does not include community land trust. The bill defines a community land trust.

Patron - Toscano

[P]HB407 Landlord and tenant laws; landlord and tenant obligations. Clarifies that the judgment rate of interest includes any and all amounts covered by the judgment. The bill, among other things, also (i) requires the general district court to accept electronically filed civil actions on forms developed by the executive secretary; (ii) provides that the home-stead exemption does not apply to a money judgment for nonpayment of rent for which a writ of garnishment is issued, and which does not request a writ of fieri facias or levy on the real or personal property of the debtor; (iii) revises the ratio utility billing system for landlords and tenants; (iv) allows certain persons to prepare, execute, file, and have served on other parties, in any proceeding in a general district court, a warrant in debt, warrant in detinue, distress warrant, summons for unlawful detainer, suggestion for summons in garnishment, garnishment summons, writ of possession, writ of fieri facias, interpleader, and civil appeal notice without the intervention of any attorney; (v) adds a definition of "commencement date of the rental agreement" and effective date of same to the Virginia Residential Landlord Tenant Act codifying case law; (vi) revises the definition of "security deposit" under the Virginia Residential Landlord Tenant Act; (vii) revises the damage and renter's insurance coverage provisions of the Virginia Residential Landlord Tenant Act; (viii) allows tenant records to be disclosed to a local commissioner of the revenue, under certain circumstances, and to the commanding officer, military housing officer, or military attorney of the tenant; (ix) allows the landlord to withhold a portion of the security deposit until final settlement of utility bills; and (x) changes the times that trigger the payment of interest by the landlord on a security deposit. The bill also contains technical amendments.

Patron - Oder

[P]HB417 Exchange Facilitators Act; established. Establishes requirements for the activities of exchange facilitators, who are persons that for a fee, enter into an agreement with a taxpayer to act as (i) a qualified intermediary in an exchange of like-kind property, (ii) an Exchange Accommodation Titleholder, or (iii) a qualified trustee or escrow holder. Exchange facilitators are required to notify exchange clients of change in control of the exchange facilitator; to maintain exchange funds in separately identified accounts or in a qualified escrow or qualified trust; to maintain errors and omissions insurance or deposit cash or letters of credit; and to account for moneys and property. Persons who engage in the business of an exchange facilitator are prohibited from making misrepresentations, failing to account for moneys or property of others, engaging in fraudulent or dishonest dealings, committing cer-

tain crimes, or materially failing to fulfill contractual duties to an exchange client. Violations are subject to a civil penalty of up to \$2,500. The Attorney General, attorney for the Commonwealth, or attorney for a locality may recover costs and reasonable expenses, including attorney fees, in any action brought under the Exchange Facilitators Act. This bill is recommended by the Virginia Housing Commission.

Patron - Oder

HB592 Federal rent control declared unnecessary. Repeals the provision formally notifying the federal Housing Expediter that the rental control provisions contained in the defense rental area program, established by the Veterans' Emergency Housing Act of 1946, were no longer necessary. The bill is a recommendation of the Virginia Code Commission.

Patron - Landes

HB667 Virginia Residential Property Disclosure Act; wastewater systems. Adds the following seller's representation to a prospective purchaser of residential property: the owner makes no representations with respect to the presence of any wastewater system, including the type or size thereof and maintenance responsibilities related thereto, located on the property and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any wastewater system, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to that contract.

Patron - May

HB702 Property Owners' Association Act; fees for disclosure packet; when collected. Clarifies that for associations that are not professionally managed, all fees for providing the required disclosure packet shall be collected at the time of delivery of the disclosure packet and shall be an assessment against the lot and collectible as any other assessment. The bill contains technical amendments.

Patron - Bulova

HB714 Foreclosure sales; trustee to pay taxes. Clarifies that, in the event of a foreclosure sale, the trustee shall cause the proceeds of the sale to be applied to the payment of taxes on the property. The bill also eliminates a redundancy in the Code pertaining to the duties of a trustee in a foreclosure sale.

Patron - Peace

HB715 Releases of deed of trust. Allows certain title insurance companies to exercise the authority that settlement agents currently possess to release the lien of a deed of trust. References to "mortgage" are replaced with "deed of trust." The measure also authorizes a settlement agent to release a deed of trust lien upon written confirmation from the lien creditor that such obligation has a zero balance. The procedure for lien releases by settlement agent and title insurance companies is limited to transactions involving real estate that is either unimproved with a lien amount not exceeding \$1 million or containing one to four residential dwelling units. The measure also eliminates a duplicative provision addressing a settlement agent's ability to obtain an assignment of the \$500 penalty imposed for a lender's failure to release a lien within the prescribed period.

Patron - Peace

HB956 Virginia Condominium Act and the Virginia Property Owners' Association Act; display of the flag of the United States. Provides that a unit owners' or property owner's association shall not prohibit or otherwise adopt or enforce any policy restricting a unit or lot owner from display-

ing upon property to which that owner has a separate ownership interest or a right to exclusive possession or use the flag of the United States whenever such display is in compliance with the federal Flag Code. The bill also provides that the unit owners' or property owners' association may establish reasonable restrictions as to the size, place, duration, and manner of placement or display of the flag provided the restrictions are necessary to protect a substantial interest of the unit owners' or property owners' association. Under the bill in an action brought to enforce a rule pertaining to display of the flag, the unit owners' or property owners' association has the burden of proof regarding whether the rule protects a substantial interest of the association.

Patron - Lingamfelter

HB1058 Virginia Condominium Act; the Virginia Property Owners' Association Act; amending association documents using technology. Provides that unless the declaration expressly provides otherwise, any notice required to be sent or received or any signature, vote, consent, or approval required to be obtained under any condominium instrument or declaration may be accomplished using the most advanced technology available at that time if such use is a generally accepted business practice. The notice provisions do not apply to any notice related to an enforcement action by the unit owners association, an assessment lien, or foreclosure proceedings in enforcement of an assessment lien.

Patron - Bell, Richard P.

HB1102 Property Owners' Association Act; authority of board of directors; parking. Provides that to the extent the declaration gives the board of directors the authority to adopt rules and regulations relating to the parking of motor vehicles by lot owners, such rules may establish a parking space designation plan which makes parking spaces available to less than all of the lot owners. The bill provides that if such a plan is adopted, the common expenses attributable to such parking spaces may be specially assessed against the lot owners involved.

Patron - Sickles

HB1302 Property conveyance. Authorizes the conveyance of certain real property in the Town of Lawrenceville owned by the Commonwealth (declared surplus by the Department of Corrections) to Roanoke River Rails-to-Trails, Inc. to maintain and operate a trail for public park purposes. The sale and conveyance shall be approved by the Governor.

Patron - Tyler

SB151 Virginia Condominium Act and the Virginia Property Owners' Association Act; display of the flag of the United States. Provides that a unit owners' or property owner's association shall not prohibit or otherwise adopt or enforce any policy restricting a unit or lot owner from displaying upon property to which that owner has a separate ownership interest or a right to exclusive possession or use the flag of the United States whenever such display is in compliance with the federal Flag Code. The bill also provides that the unit owners' or property owners' association may establish reasonable restrictions as to the size, place, duration, and manner of placement or display of the flag provided the restrictions are necessary to protect a substantial interest of the unit owners' or property owners' association. Under the bill, if an action is brought by a unit owners' or property owners' association to enforce a rule pertaining to display of the flag, the association shall bear the burden of proof that the restrictions as to the size, place, duration, and manner of placement or display of such flag are necessary to protect a substantial interest of the unit owners' association.

Patron - Stuart

[P]SB270 Common Interest Community Board clarification for complaints. Specifies that each Association shall establish a procedure for resolution of complaints and shall adhere to the created procedure. This bill was recommended by the Virginia Housing Commission.

Patron - Whipple

[P]SB282 Landlord and Tenant; eviction procedure; acceptance of redemption tenders. Provides that when a tenant presents on or before the first return date on an action for unlawful detainer for the nonpayment of rent, a redemption tender in the amount of all current rent, reasonable late charges, attorney fees, and court costs, the court shall continue the action for 10 days.

Patron - Quayle

Failed

[F]HB470 Condominium Act; Property Owners' Association Act; foreclosure on lien for unpaid assessments; priority of certain liens. Provides that a property owners' or condominium association may conduct a foreclosure sale on a lien for unpaid assessments subject to the lien of a first trust. The bill also provides that such portion of the unpaid assessments directly attributable to the maintenance and upkeep of the common areas and such other areas of association responsibility expressly provided for in the declaration, including capital expenditures shall be prior to all other liens and encumbrances. The bill contains technical amendments.

Patron - Watts

[F]HB496 Condominium and Property Owners Association Acts; rule enforcement. Increases from 90 to 180 days the amount of time a total charge for any violation of association rules of a continuing nature may be assessed.

Patron - Lingamfelter

[F]HB812 Virginia Condominium Act and the Virginia Property Owners Association Act; rules regarding the operation of motor vehicles. Provides that, except to the extent otherwise provided by the condominium instruments or declaration, no unit owners' or property owners' association may establish rules or restrictions concerning the operation of privately owned motor vehicles within the common areas or other areas under the authority of the association.

Patron - Abbott

[F]HB1072 Mining; ownership of underground void. Broadens the existing statutory provision for ownership of the space opened underground by the removal of minerals and coal. The ownership of the space would, unless expressly reserved by the landowner, run with the mineral estate whether such estate is owned or leased, or created before or after 1981. Currently, the presumption lies only with regards to mineral estates owned after 1981. The provision has no effect on the determination of ownership rights in coalbed methane.

Patron - Kilgore

[F]HB1085 Manufactured Home Lot Rental Act. Lessens several obligations currently imposed on a landlord of a manufactured home park, including the requirement to provide tenants with a copy of the Manufactured Home Lot Rental Act at the time of contract; to post on the premises of the park a copy of the Manufactured Home Lot Rental Act and the Virginia Residential Landlord and Tenant Act; and to provide for garbage removal, etc. The bill also reduces the automatic

renewal period from one year to 30 days and reduces the notice of termination of the rental agreement from 60 days to 30 days.

Patron - Crockett-Stark

[F]HB1152 Foreclosure of affordable dwelling units. Provides a redevelopment and housing authority administering a properly established affordable dwelling unit program with the opportunity to, and exclusive right to, purchase an affordable dwelling unit at a foreclosure sale for an amount not to exceed the maximum controlled sales price of the unit. In localities that have not established a redevelopment and housing authority, the local governing body may exercise the exclusive right to purchase. Under the bill, the exclusive right to purchase would be applicable only if the affordable dwelling unit is subject to restrictive covenants recorded in the circuit court land records prior to the deed of trust proposed for the foreclosure. In addition, the covenants and applicable zoning ordinances would have to include maximum sales price limitations.

Patron - Scott, J.M.

[F]HB1330 Virginia Real Estate Time-Share Act; right to surrender time-share. Gives a time-share owner the right to surrender his time-share and be relieved of any further obligations related to the time-share provided certain conditions specified in the bill are met. The bill provides that the developer shall be under no obligation to pay any maintenance fee, assessment, special assessment, or any other charge however denominated on any time-share surrendered.

Patron - Cosgrove

[F]SB327 Enjoyment of easement. Provides that the owner of the servient estate shall not cause to be present any objects of personal property, debris, or refuse, either temporarily or permanently, upon the burdened land or within 25 feet thereof. Current law provides that the owner of the servient estate shall not engage in an activity or cause to be present any objects either upon the burdened land or immediately adjacent thereto that unreasonably interfere with the enjoyment of the easement by the owner of the dominant estate.

Patron - Stuart

[F]SB411 Condominium Act; Property Owners' Association Act; foreclosure on lien for unpaid assessments. Provides that a property owners' or condominium association may conduct a foreclosure sale on a lien for unpaid assessments subject to the lien of a first trust.

Patron - Vogel

Carried Over

[C]SB419 Virginia Property Owners' Association Act; control of association by declarant. Provides that a declaration may provide for declarant control of an association and its board of directors until (i) three months after 80 percent of all lots that the declarant has reserved the right to develop in all phases of development have been conveyed to a person other than a declarant or builder and (ii) the number of lots not yet developed is less than 200. The bill also provides that the declarant has the right to develop all additional lots in accordance with provisions in effect at the time of transfer of control and gives the declarant a seat on the board of the association until such time as all lots have been conveyed to a person other than a declarant or a builder.

Patron - Vogel

Public Service Companies

Passed

HB88 Prepaid electric utility service. Authorizes electric cooperatives to install and operate a prepaid metering equipment and system upon a customer's request. The equipment and system will terminate electric service immediately and automatically when the customer has incurred charges for electric service equal to the amount prepaid by the customer. Such service would be exempt from existing requirements that a utility provide one billing cycle before initiating a proceeding for a residential customer's nonpayment for local service, pay interest on deposits, return deposits after one year of satisfactory credit, give 10 days' notice prior to terminating service, and not terminate a customer's residential service for nonpayment of basic nonresidential services. Tariffs shall be filed with the State Corporation Commission for review and determination that the tariff is not contrary to the public interest.

Patron - Kilgore

HB92 Electric cooperatives; renewable energy certificates. Provides that an electric cooperative is deemed to offer a tariff for electric energy provided 100 percent from renewable energy if it provides undifferentiated electric energy and the cooperative retires a quantity of renewable energy certificates (RECs) equal to 100 percent of the electric energy provided pursuant to such tariff. This measure applies for such tariffs filed on or after July 1, 2010, for residential customers and filed on or after July 1, 2012, for nonresidential customers. A REC is defined, with respect to cooperatives, as a tradable commodity or instrument issued by a regional transmission entity that validates the generation of electricity from renewable energy sources or that is certified under a generally recognized REC standard. A cooperative offering renewable energy that involves the retirement of RECs is required to shall disclose information regarding source of the energy to customers. The measure also permits electric utility customers to continue purchasing renewable energy pursuant to the terms of a power purchase agreement that was in effect on the date the cooperative files tariff for the incumbent electric utility that serves the exclusive service territory in which the customer is located to offer electric energy provided 100 percent from renewable energy for the duration of the power purchase agreement.

Patron - Kilgore

HB204 Unauthorized addition of telecommunications services. Prohibits a telephone service provider or billing agent from willfully adding products, goods, or services not authorized by any customer, and from charging or attempting to collect charges from any customer for any such products, goods, or services without the customer's authorization. A customer will not be liable for charges through a billing carrier by a service provider or a billing agent without the customer's authorization. The measure requires service providers and billing agents to obtain written, oral, or electronic verification of a customer's authorization before submitting charges for products, goods, or services to the billing carrier.

Patron - Alexander

HB387 Telephone utilities; switched access rates. Requires the State Corporation Commission to establish a schedule for the elimination of the carrier common line element of intrastate carrier switched access charges. For incumbent local exchange carriers with more than 15,000 access lines, the charges are to be eliminated by July 1, 2013. For those with more than 15,000 access lines or that have received

a grant and loan under the federal Broadband Initiatives Program, the Commission will determine such a schedule by July 1, 2011. Certain carriers with 15,000 or fewer access lines may apply for an opportunity to be heard on the issue of extending the deadline for elimination of such charges to a date not later than July 1, 2014. Carriers shall be permitted to increase retail rates to recover a reasonable amount of revenue lost due to the elimination of such charges.

Patron - Janis

HB442 Electric utilities; renewable energy. Authorizes an electric utility customer to continue purchasing renewable energy pursuant to the terms of a power purchase agreement that was in effect on the date there is filed with the State Corporation Commission a tariff for the incumbent electric utility that serves the exclusive service territory in which the customer is located to offer electric energy provided 100 percent from renewable energy for the duration of the power purchase agreement.

Patron - Toscano

HB533 Natural gas utilities; cost recovery for certain infrastructure improvement costs. Authorizes investor-owned natural gas utilities to petition the State Corporation Commission to implement a separate rider that will allow for recovery of certain costs associated with eligible infrastructure replacement projects. Eligible infrastructure replacement projects are projects that: (i) enhance safety or reliability by reducing system integrity risks associated with customer outages, corrosion, equipment failures, material failures, natural forces, or other outside force damage; (ii) do not increase revenues by directly connecting the infrastructure replacement to new customers; (iii) reduce greenhouse gas emissions; (iv) are not included in the natural gas utility's rate base in its most recent rate case; and (v) are commenced on or after January 1, 2010. The costs recoverable from an eligible infrastructure replacement project include a return on the investment, a revenue conversion factor, depreciation, property taxes, and carrying costs on the over- or under- recovery of the eligible infrastructure replacement costs. A SAVE plan shall be allocated and charged so as to avoid undue cross-subsidization between rate classes. SB 112 is identical.

Patron - Nixon

HB754 Prepaid wireless E-911 charges; collection by retailers. Establishes the rate and procedures for the collection and remittance of prepaid wireless E-911 charges by dealers of prepaid wireless service in the Commonwealth. The bill would establish a charge of \$0.50 per retail purchase of prepaid wireless services that allow access to the 911 system. The dealer is required to remit prepaid wireless E-911 charges to the Department of Taxation, and liability for the charge is placed on the end user. The Department of Taxation would be required to establish guidelines implementing this measure, which shall include an exemption for small dealers. Dealers will be allowed to retain a discount of five percent of collected prepaid wireless E-911 charges. The provisions of the bill would apply to retail transactions occurring on or after January 1, 2011. SB 441 is identical.

Patron - Janis

HB1022 Renewable energy portfolio standard program. Provides that an investor-owned electric utility will receive triple credit toward meeting the goals of the renewable energy portfolio standard program for energy derived from offshore wind.

Patron - Hugo

HB1230 Underground Utility Damage Prevention Act; sewer laterals. Establishes a set of requirements for the

protection of sewer system laterals and private sewer laterals that are unique from the general requirements of the Underground Utility Damage Prevention Act. The measure also establishes procedures to address recurring noncompliance with the provisions of the Act by localities and other political subdivisions of the Commonwealth. The measure will become effective on January 1, 2011.

Patron - Ware, R.L.

HB1246 Officers and directors of public utilities; required disclosure. Limits the disclosure requirement for any officer or director of a public utility with an ownership value of more than five percent or \$50,000 in a contractor or subcontractor hired by the utility on a construction, engineering, or equipment contract or subcontract with a value or more than \$750,000 to a utility that has its rates, tolls, charges, or schedules set by the Commission based on the public utility's cost of providing service. The disclosure requirement currently applies to all utilities.

Patron - Hugo

HB1308 Electric utility rates. Requires an investor-owned electric utility to suspend collection of interim rates during the pendency of the State Corporation Commission's consideration of the utility's base rate case. The SCC is required to issue its final order on the utility's application by July 15, 2010. With regard to base rate case proceedings involving any investor-owned electric utility that are filed after January 1, 2010, the SCC's final order is required to be issued within nine months, and any resulting revision in rates shall take effect within 60 days after the order is entered. The provision will be in force from its passage. This bill incorporates HB 606, HB 653 and HB 1190. SB 680 is identical.

Patron - Carrico

SB112 Natural gas utilities; cost recovery for certain infrastructure improvement costs. Authorizes investor-owned natural gas utilities to petition the State Corporation Commission to implement a separate rider that will allow for recovery of certain costs associated with eligible infrastructure replacement projects. Eligible infrastructure replacement projects are projects that: (i) enhance safety or reliability by reducing system integrity risks associated with customer outages, corrosion, equipment failures, material failures, natural forces, or other outside force damage; (ii) do not increase revenues by directly connecting the infrastructure replacement to new customers; (iii) reduce greenhouse gas emissions; (iv) are not included in the natural gas utility's rate base in its most recent rate case; and (v) are commenced on or after January 1, 2010. The costs recoverable from an eligible infrastructure replacement project include a return on the investment, a revenue conversion factor, depreciation, property taxes, and carrying costs on the over- or under- recovery of the eligible infrastructure replacement costs. A SAVE plan shall be allocated and charged so as to avoid undue cross-subsidization between rate classes. HB 533 is identical.

Patron - Petersen

SB372 Maintenance of roadways by Buchanan County. Authorizes the Buchanan County Board of Supervisors to maintain roadways within the right-of-way of railroads, subject to an agreement with the railroad.

Patron - Puckett

SB441 Prepaid wireless E-911 charges; collection by retailers. Establishes the rate and procedures for the collection and remittance of prepaid wireless E-911 charges by dealers of prepaid wireless service in the Commonwealth. The bill would establish a charge of \$0.50 per retail purchase of prepaid wireless services that allow access to the 911 system. The

dealer is required to remit prepaid wireless E-911 charges to the Department of Taxation, and liability for the charge is placed on the end user. The Department of Taxation would be required to establish guidelines implementing this measure, which shall include an exemption for smaller dealers. Dealers will be allowed to retain a discount of five percent of collected prepaid wireless E-911 charges. The provisions of the bill would apply to retail transactions occurring on or after January 1, 2011. HB 754 is identical.

Patron - Saslaw

SB680 Electric utility rates. Requires an investor-owned electric utility to suspend collection of interim rates during the pendency of the State Corporation Commission's consideration of the utility's base rate case. The SCC is required to issue its final order on the utility's application by July 15, 2010. With regard to base rate case proceedings involving any investor-owned electric utility that are filed after January 1, 2010, the SCC's final order is required to be issued within nine months, and any resulting revision in rates shall take effect within 60 days after the order is entered. The provision will be in force from its passage. HB 1308 is identical.

Patron - Puckett

Failed

HB19 VRE fares. Allows the Potomac-Rappahannock Transportation Commission to charge higher fares for Virginia Railway Express passengers who are not residents of localities represented on the Commission.

Patron - Cole

HB55 Local assessments for VRE service. Prohibits assessment of localities, for Virginia Railway Express service, of more than they collect in motor vehicle fuel sales taxes.

Patron - Cole

HB115 Underground Utility Damage Prevention Act; sewer laterals. Establishes a set of requirements for the protection of sewer system laterals and private sewer laterals that are unique from the general requirements of the Underground Utility Damage Prevention Act. The measure also establishes procedures to address recurring noncompliance with the provisions of the Act by localities and other political subdivisions of the Commonwealth.

Patron - Purkey

HB477 Electric utilities; limit on increases in base rates. Limits any increase in the base rates charged by an investor-owned incumbent electric utility to five percent if the unemployment rate within the utility's service territory exceeds five percent. If this limitation would result in confiscatory rates, the State Corporation Commission may increase such base rates only by the amount that is required to avoid such confiscation. The measure applies to any base rate review initiated on or after July 1, 2010.

Patron - Carrico

HB480 Public-Private Transportation Act. Requires the Commonwealth Transportation Board to conduct third party audits of agreements executed under the Public-Private Transportation Act. Under the bill, the audits will consist of a review of the bidding process and certain other summary information regarding each project. The bill requires responsible public entities proceeding under the Act to advertise in the area where the project will be located to encourage participation by local small contractors. In addition, the bill (i) provides that contracts must be rebid if a change order exceeds 25 percent or one million dollars over the original contract amount, (ii) limits

agreements under the act from extending more than two years past the original completing date without being rebid, and (iii) requires all agreements to include standard small, women-owned and minority-owned participation components of 30 percent as of July 1, 2010.

Patron - Carrico

[F]HB606 Investor-owned electric utilities; ratemaking. Establishes a process to be used by the State Corporation Commission in conducting biennial reviews of the rates, terms, and conditions of service of investor-owned electric utilities that, as of July 1, 1999, were not bound by a rate case settlement that extended in its application beyond January 1, 2002. These utilities will not be authorized to petition the Commission for approval of rate adjustment clauses to recover certain transmission costs, deferred environmental and reliability costs, costs of peak-shaving and energy efficiency programs, costs of participation in the renewable energy portfolio standard program, costs of environmental compliance projects, and costs of new and expanded generation facilities. This category of electric utility will be able to seek recovery of such costs as part of its biennial rate review. Currently, all investor-owned electric utilities are authorized to recover these costs through rate adjustment clauses on a stand-alone basis, not more frequently than once in a 12-month period, and without regard to other costs, revenues, investments, or earnings of the utility. The existing process will continue to apply to investor-owned electric utilities that, as of July 1, 1999, were bound by a rate case settlement that extended in its application beyond January 1, 2002. This bill was incorporated into HB 1308.

Patron - Merricks

[F]HB639 Investor-owned electric utility regulation. Reinstates, only for those investor-owned electric utilities that, as of July 1, 1999, were not bound by a rate case settlement adopted by the State Corporation Commission that extended in its application beyond January 1, 2002, provisions governing the authority of the State Corporation Commission (SCC) to regulate their rates. For these utilities, the measure restores major elements of the ratemaking procedures that existed prior to the enactment of the Electric Utility Restructuring Act in 1999 and of electric utility re-regulation legislation in 2007. Specifically, the measure eliminates, for rate cases initiated after January 1, 2011, rules that authorize such utilities to earn a rate of return on common equity that is not lower than the average of such returns for a majority of peer group utilities, and to recover certain costs through rate adjustment clauses. In rate cases initiated in 2011 and thereafter the SCC is directed to determine rates, terms, and conditions for the provision of generation, distribution, and transmission services for each investor-owned incumbent electric utility that are just, reasonable, and nondiscriminatory. These proceedings shall be governed by the provisions of Chapter 10 of Title 56 and shall provide fair rates of return on common equity. In such proceedings, the SCC may use any methodology to determine rates of return on common equity that it finds consistent with the public interest. The SCC is authorized to permit a utility to recover its actual costs, if the Commission finds such recovery is just, reasonable, and in the public interest, of peak-shaving programs, energy efficiency programs, participating in the renewable energy portfolio standard program, and environmental projects.

Patron - Armstrong

[F]HB653 Investor-owned electric utilities; ratemaking. Establishes a process to be used by the State Corporation Commission in conducting biennial reviews of the rates, terms, and conditions of service of investor-owned electric utilities that, as of July 1, 1999, were not bound by a rate case settlement that extended in its application beyond January 1, 2002.

These utilities will not be authorized to petition the Commission for approval of rate adjustment clauses to recover certain transmission costs, deferred environmental and reliability costs, costs of peak-shaving and energy efficiency programs, costs of participation in the renewable energy portfolio standard program, costs of environmental compliance projects, and costs of new and expanded generation facilities. This category of electric utility will be able to seek recovery of such costs as part of its biennial rate review. Currently, all investor-owned electric utilities are authorized to recover these costs through rate adjustment clauses on a stand-alone basis, not more frequently than once in a 12-month period, and without regard to other costs, revenues, investments, or earnings of the utility. The existing process will continue to apply to investor-owned electric utilities that, as of July 1, 1999, were bound by a rate case settlement that extended in its application beyond January 1, 2002. This bill was incorporated into HB 1308.

Patron - Armstrong

[F]HB668 State Corporation Commission; electric transmission line verification costs. Requires the applicant seeking approval of an electrical transmission line of 138 kilovolts or more to pay all costs associated with the required verification of the applicant's load flow modeling, contingency analyses, and reliability needs. The requirement applies whether verification is conducted by the Commission or by a third-party consultant selected by the Commission.

Patron - May

[F]HB671 State Corporation Commission; public hearings. Requires the State Corporation Commission to conduct a public hearing in any proceeding involving approval of the construction or operation of an electrical utility facility. At least one hearing shall be held in the area affected by the proposed facility, and at least one Commissioner of the State Corporation Commission is required to be physically present at any hearing held in the area affected. The requirements do not apply to any small renewable energy project for which the Department of Environmental Quality has issued a permit by rule.

Patron - May

[F]HB850 Maintenance of roadways by Buchanan County. Authorizes the Buchanan County Board of Supervisors to maintain roadways within the right-of-way of the Norfolk Southern Railroad Corporation, subject to an agreement with the Corporation.

Patron - Morefield

[F]HB969 PPTA; preconditions to certain comprehensive agreements. Requires that highway construction projects of \$100 million or more undertaken under the PPTA have prior approval from the General Assembly. The bill further requires that any proposed PPTA contract involving HOT lanes be subject to an explicit evaluation comparing its impact with a mass-transit-based alternative.

Patron - Englin

[F]HB1027 Electric utility rates; added returns. Eliminates provisions of the Virginia Electric Utility Regulation Act that authorize investor-owned electric utilities to earn added basis points and other performance incentives that would increase the utility's fair combined rate of return on common equity above the rate determined by the Commission in biennial rate review proceedings. Currently, such utilities are authorized to return performance incentives and enhanced rates of return on common equity if they satisfy performance standards, make certain investments in generation facilities, and successfully participate in a renewable energy program.

Patron - Pollard

HB1052 Electric utility rates; temporary and interim increases. Prevents an electric public utility from changing its rates on an interim or temporary basis, and states that the scheduled rates of such a utility shall not be changed unless and until approved by the State Corporation Commission.

Patron - Armstrong

HB1190 Electric utility regulation. Exempts any investor-owned incumbent electric utility that was, as of July 1, 1999, not bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, from the provisions of the Virginia Electric Utility Restructuring Act relating to rates and the renewable energy portfolio standard program until the utility files an integrated resources plan wherein the utility proposes to build generation facilities with a capacity greater than 200 megawatts. This bill was incorporated into HB 1308.

Patron - Griffith

HB1237 Economic development incentive rates. Requires certain incumbent electric utilities to offer electric service at an economic development incentive rate to certain nonresidential customers. To be eligible for an economic development incentive rate, a customer shall have a new load of at least 1,000 KW and either increase employment by at least 75 full-time equivalent employees per 1,000 KW of new load or make a capital investment of \$400,000 per 1,000 KW of new load. An economic development incentive rate provides eligible customers the option of either (i) a monthly credit of \$6 per KW for three years or (ii) a monthly credit of \$6 per KW for the first year, reduced by \$0.75 per KW in each of the following years of an eight-year term.

Patron - Armstrong

HB1358 Electric utility rate structures; advancing conservation and efficiency. Directs the State Corporation Commission to encourage investor-owned electric utilities to file tariffs with rate structures that reflect time of day and seasonal cost differentials. In proceedings that involve a new or amended retail rate structure, the Commission is directed to consider several factors, including the extent to which the rates are designed to align with the utility's marginal cost of providing service at different times of the day. In such rate structure proceedings, electric utilities may seek, and the Commission may approve, financial incentives for the implementation of creative rate options that would allow the utility and its customers to share the economic benefits of rate structures that lower the utility's fuel costs. The measure also directs the Commission to give the highest level of priority in its development of the electric energy consumer education program to efforts to increase consumer awareness and knowledge of electricity rate structures and the overall cost of electricity.

Patron - Keam

HB1380 Renewable portfolio standards; forest products. Removes the requirement that utilities participating in a renewable portfolio standard (RPS) program collectively use no more than 1.5 million tons of forest products such as wood chips, bark, and sawdust each year towards meeting RPS goals.

Patron - Pollard

HB1391 Investor-owned electric utilities; rate-making. Establishes a process to be used by the State Corporation Commission in conducting biennial reviews of the rates, terms, and conditions of service of investor-owned electric utilities that, as of July 1, 1999, were not bound by a rate case settlement that extended in its application beyond January 1,

2002. These utilities will not be authorized to petition the Commission for approval of rate adjustment clauses to recover certain transmission costs, deferred environmental and reliability costs, costs of peak-shaving and energy efficiency programs, costs of participation in the renewable energy portfolio standard program, costs of environmental compliance projects, and costs of new and expanded generation facilities. This category of electric utility will be able to seek recovery of such costs as part of its biennial rate review. Currently, all investor-owned electric utilities are authorized to recover these costs through rate adjustment clauses on a stand-alone basis, not more frequently than once in a 12-month period, and without regard to other costs, revenues, investments, or earnings of the utility. The existing process will continue to apply to investor-owned electric utilities that, as of July 1, 1999, were bound by a rate case settlement that extended in its application beyond January 1, 2002.

Patron - Armstrong

HB1395 Agreements under the Public-Private Transportation Act of 1995 and the Public-Private Education Facilities and Infrastructure Act of 2002. Authorizes state agencies and state authorities, upon the approval of the Governor, to enter into agreements with private entities under the Public-Private Transportation Act of 1995 and the Public-Private Education Facilities and Infrastructure Act of 2002 for the development of a project by the private entity, which agreements provide for the private entity to be paid grants from a portion of the growth in state taxes attributable to the development of the project. Before any agreement is entered into with a private entity, the respective Secretary shall certify to the Governor and the chairmen of the House Committee on Appropriations and the Senate Committee on Finance that the present value of the state tax revenues anticipated to be collected that are attributable to the development of the project are at least 100 percent greater than the present value of the proposed grant payments to the private entity. The bill also would allow local governments, agencies, and authorities, upon the approval of the governing body of the locality, to join in the agreement entered into between the private entity and the state agency or state authority.

Patron - Massie

SB33 Mobile camps for railroad employees. Establishes standards for rooms at terminals and headquarters, permanent assembly points, and mobile work camps provided by a railroad company for employees and contractors. Railroad companies are required to provide drinking water at assembly points where maintenance-of-way employees meet. The Board of Health is required to adopt regulations concerning mobile camps. The State Corporation Commission is responsible for investigating reports of failures to comply with the requirements.

Patron - Lucas

SB39 Renewable portfolio standards; forest products. Removes the requirement that utilities participating in a renewable portfolio standard (RPS) program collectively use no more than 1.5 million tons of forest products such as wood chips, bark, and sawdust each year towards meeting RPS goals.

Patron - Stuart

SB71 Energy efficiency resource standard. Requires each electric utility to implement a portfolio of cost-effective electric utility energy efficiency programs that will reduce the consumption of electric energy by its retail customers by 0.3

percent of the forecast consumption for 2011, 3.9 percent of the forecast consumption for 2015, and 12.2 percent of the forecast consumption for 2022. An electric utility may seek rate adjustment clauses to recover the costs of its cost-effective electric utility energy efficiency programs with an enhanced rate of return on such costs of 100 basis points, if the electric utility achieves consumption reductions of not less than 100 percent of the amounts scheduled or 150 basis points if it achieves reductions of 125 percent or more of the amounts scheduled. An electric utility that fails to achieve the scheduled consumption reductions shall make alternative compliance payments of \$0.075 for every kilowatt hour by which the utility failed to meet the scheduled consumption reductions. Utilities are not entitled to recover alternative compliance payments from customers. Alternative compliance payments are to be deposited in a Virginia Energy Efficiency and Conservation Fund and used to provide financial incentives for the implementation of energy efficiency and conservation programs.

Patron - McEachin

SB74 Electric utility regulation. Reinstates provisions governing the authority of the State Corporation Commission (SCC) to regulate the rates for services of investor-owned electric utilities that existed prior to the enactment of the Electric Utility Restructuring Act in 1999 and of electric utility re-regulation legislation in 2007. Specifically, the measure eliminates, for rate cases initiated after January 1, 2011, rules that authorize such utilities to earn a rate of return on common equity that is not lower than the average of such returns for a majority of peer group utilities, and to recover certain costs through rate adjustment clauses. In rate cases initiated in 2011 and thereafter the SCC is directed to determine rates, terms, and conditions for the provision of generation, distribution, and transmission services for each investor-owned incumbent electric utility that are just, reasonable, and nondiscriminatory. These proceedings shall be governed by the provisions of Chapter 10 of Title 56 and shall provide fair rates of return on common equity. In such proceedings, the SCC may use any methodology to determine rates of return on common equity that it finds consistent with the public interest. The SCC is authorized to permit a utility to recover its actual costs, if the Commission finds such recovery is just, reasonable, and in the public interest, of peak-shaving programs, energy efficiency programs, participating in the renewable energy portfolio standard program, and environmental projects.

Patron - Reynolds

SB111 Electric utilities; rate structure. Authorizes the State Corporation Commission (SCC) to review rate structure during the biennial review process. The bill explicitly adds innovative rate structures to the list of energy efficiency programs for which a utility may petition the SCC for cost recovery. The bill also requires the SCC to consider energy efficiency and environmental protection in all proceedings pursuant to the Virginia Electric Utility Regulation Act.

Patron - Petersen

SB150 Energy efficiency programs; rate recovery options for utilities. Eliminates the ability of an investor-owned utility to recover revenue reductions that result from implementation of energy efficiency programs. The bill also requires the Commission to only approve such a petition for a rate increase if it finds that the energy efficiency program will result in a net cost savings to customers after a reasonable period of time and the program is in the public interest.

Patron - Stuart

SB181 Agreements under the Public-Private Transportation Act of 1995 and the Public-Private Education Facilities and Infrastructure Act of 2002. Authorizes state

agencies and state authorities, upon the approval of the Governor, to enter into agreements with private entities under the Public-Private Transportation Act of 1995 and the Public-Private Education Facilities and Infrastructure Act of 2002 for the development of a project by the private entity, which agreements provide for the private entity to be paid grants from a portion of the growth in state taxes and fees attributable to the development of the project. The bill also would allow local governments, agencies, and authorities, upon the approval of the governing body of the locality, to join in the agreement entered into between the private entity and the state agency or state authority.

Patron - Stosch

SB429 Electric utilities; real-time rates. Requires investor-owned electric utilities to develop tariffs offering real-time rates that vary in accordance with the utility's costs of providing electricity seasonally, daily, and throughout each day.

Patron - Herring

SB450 Mandatory renewable energy portfolio standard program. Provides for a mandatory renewable energy portfolio standard program. Under current law, the renewable energy portfolio standard program is a voluntary program to which investor-owned utilities apply to receive certain incentives. The bill creates a mandatory RPS program that retains the existing RPS goals and positive incentives and authorizes the SCC to charge a noncompliance fee to utilities that do not meet the RPS goals. The bill also creates the Virginia Sustainable Energy Fund into which utilities that fail to meet the program goals pay noncompliance fees.

Patron - Whipple

SB565 Installation of voltage regulation technologies; recovery of costs. Allows electric utilities to recover the costs and to earn a 15 percent rate of return on investments in certain voltage regulation technologies. To qualify for this treatment, a voltage regulation device shall reduce energy consumption, improve grid efficiency, raise or lower voltage dynamically and be 99 percent or more efficient across at least 90 percent of the load curve.

Patron - Ticer

SB710 Utility Transfers Act. Provides that a person shall not acquire or dispose of control of a public utility, or all of its assets, or a telephone company, in whole or in part, without prior approval of the State Corporation Commission.

Patron - Edwards

SB729 Electric utilities; alternative energy research and demonstration projects. Establishes a procedure for an investor-owned public utility to obtain approval of the State Corporation Commission for alternative energy research and demonstration projects. Such projects are research projects implemented primarily to collect information regarding the feasibility and cost effectiveness of alternative energy technologies, including offshore wind energy, solar energy, energy storage other than pump storage, distributed renewable power programs and tariffs, and customer-based metering energy management and efficiency projects. The utility may recover the costs of an approved project, with a fair return thereon, through an adjustment to rates. A utility is limited to annual investment in such projects of the lesser of (i) 1.5 percent of the electric utility's revenues from operations in Virginia for the preceding year or (ii) \$100 million. A project may be approved if the utility demonstrates that the project will satisfy one or more of the following: (a) enhance the electric utility's understanding of the effect of emerging energy technologies on the utility's systems and customers; (b) promote economic

development; (c) provide environmental benefits; and (d) supplement any of the electric utility's other renewable energy or energy efficiency initiatives. This measure expires on July 1, 2015.

Patron - McEachin

Carried Over

HB327 Electric energy efficiency standard. Establishes an energy efficiency standard under which investor-owned electric utilities are required to reduce the consumption by their retail customers in the Commonwealth, through implementation of energy efficiency and conservation programs, by 2026 by 19 percent less than the consumption level currently projected for such year. Between 2011 and 2026, utilities are required to meet interim benchmarks established by the State Corporation Commission. The measure authorizes investor-owned electric utilities to earn the same enhanced rate of return on costs of energy efficiency programs that is currently provided for renewable powered generation facilities to recover the costs of designing and operating energy efficiency programs. A utility's energy efficiency programs shall be reported in its integrated resource plans.

Patron - Plum

HB383 Utility cooperatives; board of director districts. Requires any cooperative acquiring new service territory with more than 1,000 members to divide the total service territory into districts for the purpose of electing members of the board of directors by proportional representation.

Patron - Sherwood

HB441 Community and agricultural net metering. Requires the State Corporation Commission to establish a program of community net metering, which will allow a group of residential, small commercial, and other customers to establish an "eligible community customer" to act collectively to generate renewable energy for their own use. Members of an eligible community customer develop a net metered system that provides that excess generation by some members of the group will be used to offset consumption by other members within the group. The generating capacity of an eligible community customer's facility shall not exceed two megawatts at a single site but may exceed the amount of electricity provided by the incumbent electric utility over a net metering period at the site that hosts the generation facility. If electricity generated by the generation facility or facilities within the eligible community customer group in a year exceeds the net electricity consumption by members of the group, the utility shall reduce the eligible community customer's bill for the next monthly billing period by the amount of the excess. The measure also creates a category of eligible customer-generators for operators of agricultural net metering facilities that have a capacity not exceeding two megawatts.

Patron - Toscano

HB474 Public utility lines; crossing railroads. Revamps the procedure by which a municipality may obtain approval to place its public utility lines across a railroad right-of-way. A municipality may submit to the railroad company a notice of intent to construct, accompanied by a specification exhibit and a \$500 crossing fee. If the railroad does not claim within 35 days that special circumstances exist or that the exhibit is inadequate or incomplete, the municipality is deemed to have authorization to commence constructing the utility line. A railroad company that believes that special circumstances exist may file a petition for relief with the State Corporation Commission, and if it is aggrieved by the Commission's determination on the issue of damages, it may seek judicial review

as in a condemnation proceeding. The bill requires the Commission to adopt regulations prescribing the terms and conditions for a crossing, including provisions that any crossing be consistent with the public convenience and necessity and reasonable service to the public.

Patron - Carrico

HB675 Approval of transmission lines; environmental impact. Requires the State Corporation Commission, as a condition of approving the construction of an underground or overhead transmission line, to establish certain conditions to minimize adverse environmental impact and the aesthetic appearance of the right-of-way.

Patron - May

HB1236 Information on energy conservation. Requires investor-owned electric utilities and natural gas distribution companies to provide information to customers to support and encourage conservation actions. The bill requires the State Corporation Commission to determine the type of information and issue guidelines indicating what information is to be (i) included with customers' periodic bills, (ii) sent annually to customers in reports, and (iii) made accessible to customers on the Internet.

Patron - Toscano

HB1342 Renewable energy portfolio standard program. Provides that an investor-owned electric utility will receive quintuple credit toward meeting the goals of the renewable energy portfolio standard program for energy from poultry litter or other animal waste.

Patron - Gilbert

HB1373 Credit for telephone service outage. Requires each telephone company to provide a credit to subscribers affected by any service outage that exceeds four continuous hours. For outages of between four and 48 hours, the credit is equal to one-thirtieth of the monthly charge per 24-hour period during which the service outage continues beyond four hours. For outages of longer than 48 hours, the credit is equal to one half of the applicable monthly charge for each 24-hour period during which the service outage continues beyond four hours.

Patron - Scott, J.M.

SB238 Enhanced Public Safety Telephone Services Act; CMRS resellers. Clarifies that CMRS resellers are required to collect the wireless E-911 surcharge on all sales by retailers of prepaid CMRS service. The measure defines CMRS resellers as providers of mobile telecommunication services that resell, use a component part of, or integrate the purchased services into a mobile telecommunication service. An obsolete provision regarding payments for fiscal year 2005 is deleted.

Patron - Watkins

SB344 Installation of voltage regulation technologies; recovery of costs. Allows electric utilities to recover the costs and to earn a 15 percent rate of return on investments in certain voltage regulation technologies. To qualify for this treatment, a voltage regulation device shall reduce energy consumption, improve grid efficiency, raise or lower voltage dynamically and be 99 percent or more efficient across at least 90 percent of the load curve.

Patron - Hanger

Religious and Charitable Matters; Cemeteries

Passed

SB563 Charitable organizations; exemptions to reporting requirements. Adds veterans' posts or organizations to those groups that are exempt from submitting annual registration statements.

Patron - Ticer

SB676 Condemnation of abandoned graveyards by localities; continued use of property as a graveyard. Clarifies that when a locality acquires title to an abandoned or neglected graveyard, the locality may continue to maintain the property as a graveyard.

Patron - Wampler

Failed

HB1282 Prayer at public events. Provides that whenever an individual is requested to provide a prayer, invocation, or benediction at a public event that is sanctioned by a governmental agency, such governmental agency shall have no authority to regulate how that individual refers to God in prayer or to prohibit the religious content of the individual's prayer, invocation, or benediction, provided such prayer, invocation, or benediction is not used to advance a particular religion or to disparage another faith or belief.

Patron - Bell, Richard P.

SB56 Prayer at public events. Provides that whenever an individual is requested to provide prayer, invocation, or benediction at a public event that is sanctioned by a governmental agency, such governmental agency shall have no authority to regulate how that individual refers to God in prayer or to prohibit the religious content of the individual's prayer, invocation, or benediction, provided such prayer, invocation, or benediction is not used to advance a particular religion or to disparage another faith or belief.

Patron - Martin

SB568 Charitable organizations; exemptions to reporting requirements. Adds veterans' posts or organizations to those groups that are exempt from submitting annual registration statements.

Patron - Ticer

State Corporation Commission

Passed

HB526 Personal identifying information; State Corporation Commission filings. Declares that a person preparing or submitting a document or information that is filed with the clerk of the State Corporation Commission is responsible for ensuring that the document or information does not contain any personal identifiable information, which includes a social security number or other number on a driver's license, information on credit cards or other electronic billing and payment systems, an individual's date of birth or parent's maiden name, and financial account numbers. The provision does not apply if the information is publicly available or is required or

authorized by law to be included in the filed information. The measure also authorizes the clerk of the Commission to remove, delete, or obliterate such information from a document, and to refuse to accept for filing any document that includes personal identifiable information. The State Corporation Commission, its members, the clerk of the Commission, and any member of his staff are declared to be immune from liability for any acts or omissions in implementing these provisions.

Patron - Nixon

SB400 State Corporation Commission; clerk's fees. Authorizes the State Corporation Commission to establish the amount of the fees to be charged by the clerk of the Commission for furnishing copies of documents, certifying information, and providing access to records in the clerk's office. The fees shall be reasonable and are to be established by order or rule of the Commission. Existing provisions that establish specific fees for furnishing copies of documents, searching records, and affixing the Commission's seal are repealed.

Patron - Stosch

Failed

HB86 State Corporation Commission; public interest standard. Directs the State Corporation Commission that it can find that a proposed rate, charge, service, or facility of a public service company is in the public interest only if it determines that the proposal is in the best interests of the citizens of the Commonwealth.

Patron - Marshall, R.G.

HB673 State Corporation Commission; members. Increases the number of members of the State Corporation Commission from three to five, effective February 1, 2011. The measure also requires that each Commissioner initially elected or appointed to the State Corporation Commission on and after January 1, 2011, shall have a principal place of residence that is in a region of the Commonwealth in which no other Commissioner had his primary place of residence at the time of that other Commissioner's initial election or appointment.

Patron - May

Taxation

Passed

HB17 Collection of state taxes; period of limitation. Reduces the period of limitation for the collection of state taxes from 20 years to 10 years.

Patron - Cole

HB141 Land preservation tax credit. Provides that only those nonprofit organizations that hold a conservation easement acquired pursuant to the Virginia Conservation Easement Act are ineligible to receive land preservation tax credits for donations of qualifying real property.

Patron - Pollard

HB228 Car tax relief; qualifying vehicle. Deletes the requirement that a vehicle held in trust can qualify for personal property tax relief only if there is no more than one beneficiary.

Patron - Watts

HB233 Assessments for affordable housing units. Provides that assessments for certain affordable housing units be done according to the income approach, based on the property's current use and restrictions. This bill is a recommendation of the Virginia Housing Commission. The bill is effective for assessments for tax years beginning on or after January 1, 2011.

Patron - Dance

HB302 Sales and use tax exemption; certain computer equipment and enabling software. Expands the sales and use tax exemption for the purchase by certain entities of particular computer equipment by including enabling software, and clarifies what enabling hardware is covered under the current exemption by specifying that it includes chillers and backup generators. The expansion and clarification apply to purchases made on or after July 1, 2010, but prior to June 30, 2020. If purchases were made on or after July 1, 2009 but prior to July 1, 2010, the purchase is eligible for a grant in an amount equal to any tax imposed. This bill is identical to SB 130.

Patron - O'Bannon

HB355 State Tax Expenditure Report. Requires the Department of Taxation to issue an annual report to the General Assembly and to post on its website a summary of information of taxpayers claiming corporate income tax relief.

Patron - Englin

HB370 Transient Occupancy Tax; Alleghany County. Adds Alleghany County to those localities authorized to impose a transient occupancy tax not to exceed five percent, with any excess over two percent to be spent solely on tourism. Under current law, any county may impose a transient occupancy tax not to exceed two percent.

Patron - Shuler

HB384 Individual income tax; reporting requirements. Allows individual taxpayers to file amended returns because of a change or correction in their income tax owed to another state regardless if they have claimed a credit for the tax owed to such state.

Patron - Cox, J.A.

HB430 Real property tax assessment. Provides (i) that the fair market value of certain affordable housing be determined using the income approach, based on the property's current use and restrictions; (ii) additional requirements for real property appraisers; (iii) that a locality's real property sales assessment ratio higher than 130 percent is prima facie proof that the locality has failed to assess at 100 percent of fair market value; (iv) taxpayers access to certain information related to assessments; and (v) additional requirements related to boards of equalization; and (vi) that the local assessing officer provide notice of any request to increase an assessment for commercial, multifamily residential, or industrial property assessments that are already being appealed.

Patron - Griffith

HB447 Income tax; land conservation tax credit fee limitations. Removes the \$10,000 cap on the two percent fee imposed on the transfer arising from the sale of land conservation tax credits and directs up to 50 percent of revenues be paid to the Department of Taxation and the Department of Conservation and Recreation first. The remaining revenues will be transferred to the Virginia Land Conservation Fund for distribution to the public or private conservation agencies responsible for enforcing the conservation purposes of the donated interest. This bill is identical to SB 264.

Patron - Ware, R.L.

HB457 Disclosure of tax information. Allows the Tax Commissioner to disclose to the Executive Director of the Northern Virginia Transportation Commission for his confidential use, tax information as is necessary to facilitate the collection of the motor vehicle fuel sales tax.

Patron - Herring

HB523 Income taxes; recognition of income from capital gains. Grants an income tax deduction for any income taxed as a long-term capital gain for federal income tax purposes or any income taxed as investment services partnership interest income, on or after January 1, 2011, that is related to a qualified investment in a technology and science start-up business having a principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. The deduction would relate to investments made between July 1, 2010, and June 30, 2013. This bill is identical to SB 428.

Patron - Nixon

HB624 Major business facility job tax credit. Amends the Major Business Facility Job Tax Credit. Current law provides a \$1,000 tax credit for major business facilities that create at least 100 qualified full-time jobs. The legislation reduces the number of qualified full-time jobs required to be created to 50. In enterprise zones or economically distressed areas, the base or threshold is lowered from 50 newly created jobs to 25. The changes also allow the credit to be taken over a two-year period for taxable years beginning January 1, 2009, through December 31, 2012, rather than December 31, 2010. This bill incorporates HB 853 and HB 1091 and is identical to SB 472.

Patron - Kilgore

HB626 Tobacco products tax; moist snuff. Changes the tax on moist snuff from 10 percent of the manufacturer's sales price to \$0.18 per ounce. The bill also would provide that loose leaf tobacco would be subject to the Commonwealth's tobacco products tax on a unit and weight basis. The provisions of the bill would become effective on January 1, 2011. This bill is identical to SB 478.

Patron - Kilgore

HB764 Income tax credits; landlords participating in housing choice voucher programs. Establishes an individual and corporate income tax credit beginning with the 2010 taxable year for landlords who participate in a housing choice voucher program. Eligible landlords would receive a tax credit equal to 10 percent of the fair market value of the rent for each qualified housing unit. Qualified housing units would be dwelling units located in a census tract in the Richmond Metropolitan Statistical Area in which less than 10 percent of the residents live below the poverty level. The Department of Housing and Community Development would administer the tax credit. The Department would not be allowed to issue more than \$450,000 in tax credits in any fiscal year. Tax credits would be allowed only for that portion of the taxable year in which a dwelling unit was included in a housing choice voucher program. The bill provides a five-year carryforward period for unused tax credits. This bill is identical to SB 458.

Patron - McClellan

HB765 Communications sales and use tax; distribution formula for Accomack and Northampton Counties. Provides that Accomack County and Northampton County receive monthly distributions of the communications sales and use tax equal to the distributions it would receive if the Auditor of Public Accounts had certified that they had receive \$1,111,376 and \$549,025 respectively, of telecommunications

and television cable funds in Fiscal Year 2006. The bill also permits the Tax Commissioner to make administrative adjustments to any locality's allocation of such revenues in certain circumstances, up to a maximum of \$100,000.

Patron - Lewis

HB803 Income tax; corporate and individual; green jobs tax credit. Allows a \$500 income tax credit for the creation of "green" jobs paying an annual salary in excess of \$50,000 for taxable years beginning on and after January 1, 2010 but before January 1, 2015. Each taxpayer is allowed a credit for up to 350 new green jobs. This bill incorporates HB 268 and HB 1132 and is identical to SB 623.

Patron - Poindexter

HB820 Cigarette tax; penalties for unstamped cigarettes. Changes the civil penalties for unstamped cigarettes as follows: \$2.50 per pack, up to \$500, for the first violation by a legal entity within a 36-month period; \$5 per pack, up to \$1,000, for the second violation by the legal entity within a 36-month period; and \$10 per pack, up to \$50,000, for the third or subsequent violation by the legal entity within a 36-month period. If willful intent exists to defraud the Commonwealth, the penalty is \$25 per pack, up to \$250,000. The same penalties apply to any person who sells, purchases, transports, receives, or possesses unstamped cigarettes. This bill is identical to SB 476.

Patron - Surovell

HB837 Department of Taxation; limiting contact with taxpayers via email. Requires the Tax Commissioner to devise a method by which a taxpayer will only receive bulletins, publications, or other information provided by the Department electronically; upon request.

Patron - Carr

HB861 Motion picture film production tax credits. Provides income tax credits to any motion picture production company with qualifying expenses of at least \$250,000 with respect to a film production in the Commonwealth, for taxable years beginning on or after January 1, 2011. The aggregate amount of grants that may be awarded by the Virginia Film Office with respect to film productions in the Commonwealth shall not exceed \$2.5 million in the 2010-2012 biennium, and \$5 million in any biennium thereafter. This bill is identical to SB 257.

Patron - Cline

HB874 Cigarette tax; when to affix tax stamps. Changes the time for affixing tax stamps to cigarette packs from one business day after receipt of unstamped cigarettes to prior to shipping to other wholesale dealers or retail outlets.

Patron - Cline

HB972 Transient occupancy tax; Fairfax County limitations. Provides that any new transient occupancy tax or any increase in the rate of an existing transient occupancy tax in Fairfax County does not apply within the limits of any town located in Fairfax County, unless the governing body of the town consents. Under current law, in addition to the general two percent transient occupancy tax all counties may levy, Fairfax County may impose an additional transient occupancy tax not to exceed two percent. This bill is identical to SB 218.

Patron - Rust

HB985 BPOL tax; gross receipts of security brokers and dealers. Defines gross receipts of security brokers and security dealers to be exclusive of receipts that are paid to

an independent contractor as a commission on the sale or purchase of a security. This bill is identical to SB 90.

Patron - Jones

HB999 Local property tax; separate classification for certified renewable energy manufacturing equipment, facilities, devices. Adds tangible personal property and improvements to real property designed and used primarily for manufacturing a product from renewable energy as separate classifications of property for local property tax purposes. This bill is identical to SB 656.

Patron - Nutter

HB1045 Electronic filing of tax returns. Requires (i) tax preparers who file 50 or more individual income tax returns for taxable years that begin on or after January 1, 2010, to file all income tax returns electronically in subsequent taxable years; (ii) employers who furnish 150 or more withholding statements to employees for calendar year 2010, or 50 or more such statements for any calendar year beginning on and after January 1, 2011, to file their annual report electronically; and (iii) dealers who elect to file consolidated sales tax returns for any taxable year and who are required to remit payment by electronic funds transfer, to file monthly returns electronically. This bill is identical to SB 357.

Patron - Kory

HB1090 Communications sales and use tax; Tazewell County. Provides that Tazewell County's share of communications sales and use tax revenue be equal to the distributions it would have received if the Auditor of Public Accounts had certified that the County had received \$650,507 of telecommunications and television cable funds in fiscal year 2006. The bill also permits the Tax Commissioner to make administrative adjustments to any locality's allocation of such revenues in certain circumstances, up to a maximum of \$100,000. This bill is identical to SB 381.

Patron - Crockett-Stark

HB1118 Individual income tax; Virginia Military Family Relief Fund payments. Allows individuals who receive payments from the Virginia Military Family Relief Fund to subtract them from their federal adjustable gross income when calculating their Virginia taxable income, for taxable years beginning on and after January 1, 2010. This bill incorporates HB 1231 and is identical to SB 619.

Patron - Stolle

HB1298 Sales and use tax exemption; certain computer equipment used in large data centers. Lowers the new job threshold to receive the sales and use tax exemption from 50 new employees to 25 for a data center located in either a locality with an unemployment rate at least 150 percent higher than the state average or located in an enterprise zone.

Patron - Crockett-Stark

HB1301 Local taxation of short-term rental property. Classifies short-term rental property as a separate classification of merchants' capital, and would authorize the governing body of any locality to tax short-term rental property under the merchants' capital tax or under the short-term rental property tax, but not both. The bill also declares that short-term rental property does not constitute tangible personal property for purposes of local taxation. This bill is identical to SB 355.

Patron - Lohr

HB1329 State motor fuels sales tax in Northern Virginia. Defines "gross sales" and "sales price" for purposes of the state motor fuels sales tax in Northern Virginia. "Gross sales" means the same as its definition in provisions of the

Retail Sales and Use Tax and would exclude separately stated federal diesel excise taxes. "Sales price" means the same as its definition in provisions of the Retail Sales and Use Tax but would include all transportation and delivery charges, even if separately stated.

Patron - Lingamfelter

HB1349 Taxation; Virginia Free File program. Requires the Tax Commissioner to establish a Virginia Free File program, modeled after the federal Free File program, no later than December 31, 2010. The new Virginia Free File program would be offered at no cost to certain lower-income taxpayers.

Patron - Byron

HB1356 Local license fees and taxes; campgrounds, bed and breakfast establishments. Adds campgrounds, and bed and breakfast establishments to those real property rental businesses that are not exempt from local license fees and taxes.

Patron - Lewis

SB57 Retail sales and use tax; countertops. Provides that dealers selling and installing countertops shall be deemed retailers for purposes of the sales and use tax. As a retailer, the dealer would be required to collect the tax from the customer. Under current law, dealers selling and installing countertops are deemed to be the ultimate users and consumers of the countertops and pay the sales and use tax instead of collecting it from customers. Under current law, dealers selling and installing fences, venetian blinds, window shades, awnings, storm windows and doors, locks and locking devices, floor coverings, cabinets, kitchen equipment, and window or air conditioning units are deemed to be retailers and collect the sales and use tax from customers as opposed to paying it. The bill would provide the same tax treatment to dealers selling and installing countertops.

Patron - Martin

SB81 Use value assessment; agricultural, forestal, and agricultural and forestal districts. Provides that certain noncontiguous real property may be included as part of an agricultural, forestal, or agricultural and forestal district. Any noncontiguous real property included as part of an agricultural, forestal, or agricultural and forestal district would be deemed to be contiguous to any other real property located in such district for purposes of use value assessment.

Patron - Howell

SB90 BPOL tax; gross receipts of security brokers and dealers. Defines gross receipts of security brokers and security dealers to be exclusive of receipts that are paid to an independent contractor as a commission on the sale or purchase of a security. This bill is identical to HB 985.

Patron - Quayle

SB130 Sales and use tax exemption; certain computer equipment and enabling software. Expands the sales and use tax exemption for the purchase by certain entities of particular computer equipment by including enabling software, and clarifies what enabling hardware is covered under the current exemption by specifying that it includes chillers and backup generators. The expansion and clarification apply to purchases made on or after July 1, 2010, but prior to June 30, 2020. If purchases were made on or after July 1, 2009 but prior to July 1, 2010, the purchase is eligible for a grant in an amount equal to any tax imposed. This bill is identical to HB 302.

Patron - Stosch

SB178 Pass-through entities; penalties. Revises the failure to file an information return and the failure to remit withholding tax penalties on pass-through entities. These provisions apply to taxable years beginning on and after January 1, 2009.

Patron - Stosch

SB218 Transient occupancy tax; Fairfax County limitations. Provides that any new transient occupancy tax or any increase in the rate of an existing transient occupancy tax in Fairfax County does not apply within the limits of any town located in Fairfax County, unless the governing body of the town consents. Under current law, in addition to the general two percent transient occupancy tax all counties may levy, Fairfax County may impose an additional transient occupancy tax not to exceed two percent. This bill is identical to HB 972.

Patron - Howell

SB233 Land preservation tax credit. Reduces from \$100,000 to \$50,000 the amount of the land preservation tax credit that may be claimed for taxable year 2011. Any taxpayer affected by the credit reduction would be allowed an additional taxable year in which to claim the land preservation tax credit.

Patron - Watkins

SB257 Motion picture film production tax credits. Provides income tax credits to any motion picture production company with qualifying expenses of at least \$250,000 with respect to a film production in the Commonwealth, for taxable years beginning on or after January 1, 2011. The aggregate amount of grants that may be awarded by the Virginia Film Office with respect to film productions in the Commonwealth shall not exceed \$2.5 million in the 2010-2012 biennium, and \$5 million in any biennium thereafter. This bill is identical to HB 861.

Patron - Lucas

SB264 Land preservation tax credit; fee for transfer of credits. Changes the fee for the sale or distribution of land preservation tax credits to two percent of the value of the donated interest. Currently, the fee is two percent of the value of the donated interest, but not to exceed \$10,000. Revenues generated by such fees first shall be used by the Department of Taxation and the Department of Conservation and Recreation for implementation of land preservation tax credits and any amount exceeding 50 percent of the total revenue generated by the fee on an annual basis shall be transferred to the Virginia Land Conservation Fund for distribution to the public or private conservation agencies or organizations that are responsible for enforcing the conservation and preservation purposes of the donated interests. This bill is identical to HB 447.

Patron - Whipple

SB341 Land preservation tax credit; tax credit percentage. Requires the Department of Conservation and Recreation, when preparing its annual report, to consult with the Department of Taxation and the Department of Forestry and Department of Agriculture and Consumer Services to provide an estimate of the number of acres of land currently being used for "production agriculture and silviculture" that have been protected by qualified donations of less-than-fee interests. The bill also requires that the report include information, when available, on land qualifying for credits being used for "production agriculture and silviculture" that have onsite operational best management practices, which are designed to reduce the amount of nutrients and sediment entering public waters.

Patron - Hanger

SB355 Local taxation of short-term rental property. Classifies short-term rental property as a separate classification of merchants' capital, and would authorize the governing body of any locality to tax short-term rental property under the merchants' capital tax or under the short-term rental property tax, but not both. The bill also declares that short-term rental property does not constitute tangible personal property for purposes of local taxation. This bill incorporates SB 662 and is identical to HB 1301.

Patron - Obenshain

SB357 Electronic filing of tax returns. Requires (i) tax preparers who file 50 or more individual income tax returns for taxable years that begin on or after January 1, 2010, to file all income tax returns electronically in subsequent taxable years; (ii) employers who furnish 150 or more withholding statements to employees for calendar year 2010, or 50 or more such statements for any calendar year beginning on and after January 1, 2011, to file their annual report electronically; and (iii) dealers who elect to file consolidated sales tax returns for any taxable year and who are required to remit payment by electronic funds transfer, to file monthly returns electronically. This bill is identical to HB 1045.

Patron - Stosch

SB381 Communications sales and use tax; Tazewell County. Provides that Tazewell County's share of communications sales and use tax revenue be equal to the distributions it would have received if the Auditor of Public Accounts had certified that the County had received \$650,507 of telecommunications and television cable funds in fiscal year 2006. The bill also permits the Tax Commissioner to make administrative adjustments to any locality's allocation of such revenues in certain circumstances, up to a maximum of \$100,000. This bill is identical to HB 1090.

Patron - Puckett

SB428 Income taxes; recognition of income from capital gains. Grants an income tax deduction for any income taxed as a long-term capital gain for federal income tax purposes or any income taxed as investment services partnership interest income, on or after January 1, 2011, that is related to a qualified investment in a technology and science start-up business having a principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. The deduction would relate to investments made between July 1, 2010, and June 30, 2013. This bill is identical to HB 523.

Patron - Herring

SB458 Income tax credits; landlords participating in housing choice voucher programs. Establishes an individual and corporate income tax credit beginning with the 2010 taxable year for landlords who participate in a housing choice voucher program. Eligible landlords would receive a tax credit equal to 10 percent of the fair market value of the rent for each qualified housing unit. Qualified housing units would be dwelling units located in a census tract in the Richmond Metropolitan Statistical Area in which less than 10 percent of the residents live below the poverty level. The Department of Housing and Community Development would administer the tax credit. The Department would not be allowed to issue more than \$450,000 in tax credits in any fiscal year. Tax credits would be allowed only for that portion of the taxable year in which a dwelling unit was included in a housing choice voucher program. The bill provides a five-year carryforward period for unused tax credits. This bill is identical to HB 764.

Patron - McEachin

SB472 Major business facility job tax credit. Amends the Major Business Facility Job Tax Credit. Current law provides a \$1,000 tax credit for major business facilities that create at least 100 qualified full-time jobs. The legislation reduces the number of qualified full-time jobs required to be created to 50. In enterprise zones or economically distressed areas, the base or threshold is lowered from 50 newly created jobs to 25. The changes also allow the credit to be taken over a two-year period for taxable years beginning January 1, 2009, through December 31, 2012, rather than December 31, 2010. This bill incorporates SB 481 and SB 693 and is identical to HB 624.

Patron - Watkins

SB476 Cigarette tax; penalties for unstamped cigarettes. Establishes additional civil penalties for unstamped cigarettes as follows: \$2.50 per pack, up to \$500, for the first violation by a legal entity within a 36-month period; \$5 per pack, up to \$1,000, for the second violation by the legal entity within a 36-month period; and \$10 per pack, up to \$50,000, for the third or subsequent violation by the legal entity within a 36-month period. If willful intent exists to defraud the Commonwealth, the penalty is \$25 per pack, up to \$250,000. The same penalties apply to any person who sells, purchases, transports, receives, or possesses unstamped cigarettes. This bill is identical to HB 820.

Patron - Watkins

SB478 Tobacco products tax; moist snuff. Changes the tax on moist snuff from 10 percent of the manufacturer's sales price to \$0.18 per ounce. The bill also would provide that loose leaf tobacco would be subject to the Commonwealth's tobacco products tax on a unit and weight basis. The provisions of the bill would become effective on January 1, 2011. This bill is identical to HB 626.

Patron - Watkins

SB619 Individual income tax; Virginia Military Family Relief Fund payments. Provides that it shall be the policy of the Commonwealth to allow individuals who receive payments from the Virginia Military Family Relief Fund to subtract them from their federal adjustable gross income when calculating their Virginia taxable income, for taxable years beginning on and after January 1, 2010, if such payments are taxable at the federal level. This bill is identical to HB 1118.

Patron - Herring

SB623 Income tax; corporate and individual; green jobs tax credit. Allows a \$500 income tax credit for the creation of "green" jobs paying an annual salary in excess of \$50,000 for taxable years beginning on and after January 1, 2010 but before January 1, 2015. Each taxpayer is allowed a credit for up to 350 new green jobs. This bill is identical to HB 803.

Patron - Hanger

SB633 Neighborhood assistance tax credits; impoverished people. Changes the definition of "impoverished people" for education proposals under the Neighborhood Assistance Act Tax Credit program from 180 percent to 200 percent of the current federal poverty guidelines. As a condition of eligibility for a neighborhood assistance tax credit, current law requires that at least 50 percent of the persons served by a neighborhood organization are impoverished people.

Patron - Stosch

SB656 Local property tax; separate classification for renewable energy manufacturing tangible personal property and improvements to real property. Adds tangible