

: **HB308 End-of-life-care decisions; guardians and agents of incapacitated persons.** Provides that the court in an appointment hearing shall not deem a person suitable as guardian or conservator if the court determines that such person has a material interest in the death of the respondent. Upon court appointment, the guardian or conservator must certify in writing that he has no material interest in the death of the incapacitated person. The bill provides that no agent, guardian or other person can make the decision to withhold or withdraw artificially administered hydration or nutrition unless expressly granted such authority in an advance medical directive or other written document executed by the patient while the patient was capable of making an informed decision on such matters. The bill requires the delegation of such authority through an advance directive to be specific to the withdrawal or withholding of hydration or nutrition in order to be effective in that regard. Absence of express written delegation of authority shall give rise to the presumption of the incapacitated person's desire not to have artificially administered hydration or nutrition withheld or withdrawn. The bill prohibits health care facilities from conditioning the provision of services on the execution or existence of an advance medical directive authorizing the withholding or withdrawal of artificially administered hydration or nutrition.

Patron - Marshall, R.G.

: **HB579 Emergency custody and temporary detention orders; transportation.** Requires magistrates who issue either an emergency custody or temporary detention order for a person with serious mental illness to direct the transportation of that person by a single law-enforcement officer from a specified agency and jurisdiction or multiple law-enforcement officers from specified agencies and jurisdictions. This bill is incorporated into HB 589.

Patron - Hamilton

: **HB588 Transportation under emergency custody and temporary detention orders.** Clarifies that the transportation responsibility falls upon the law-enforcement agency in whose jurisdiction the evaluation was performed when a possibly mentally ill person is taken into custody pursuant to an emergency custody order or temporary detention order. This bill is incorporated into HB 589.

Patron - Janis

: **HB738 Community services boards.** Repeals language that prohibits a majority of community services board members from being elected or appointed officials, and repeals language that prohibits a locality from being represented by more than two elected or appointed officials on a Community Services Board.

Patron - Dudley

: **HB813 Congregate housing services program for frail elderly individuals.** Directs the Department of Social Services to establish a four-year pilot congregate housing services program for frail elderly individuals. The Department is authorized to enter into contracts with qualified service providers to establish such congregate housing facilities. The Department, in consultation with the Virginia Housing Development Authority, shall develop criteria for the selection of pilot areas, which shall include an assessment of the qualified service provider's proposal for the congregate housing facility and the area's plan for community involvement, including, but not limited to, the involvement of the local department of social services and the area agency on aging. The Department shall submit to the House Committee on Health, Welfare and Institutions and the Senate Committee on Rehabilitation and Social Services a report outlining the plan for the congregate housing

services for frail elderly individuals by November 1, 2004, and operationalize the plan by March 1, 2005. The qualified service provider shall specify the type and priorities of the supportive services it will provide during the term of the contract and such services shall be related to the needs and characteristics of the residents. The qualified service provider shall establish a fee schedule for each supportive service and residents shall contribute financially toward the services, according to their ability to pay based on their income. Any fees charged shall not exceed the cost of providing the services. The Department shall determine an individual's eligibility for the congregate housing services program and the services subsidy, i.e., the sum necessary to provide supportive services to an eligible participant in excess of that individual's ability to pay for services, to be paid by the Department. The Department shall evaluate and report on the impact and effectiveness of the congregate housing services program for frail elderly individuals.

Patron - Eisenberg

: **HB1458 Employee background checks in mental health, mental retardation and substance abuse services programs.** Permits providers of mental health, mental retardation and substance abuse services to hire for compensated employment a person who has been convicted of a crime not involving a violent felony, who has had his civil rights and voting rights restored by the Governor, provided 30 years have elapsed following the conviction.

Patron - Cline

: **SB93 Background checks at adult substance abuse treatment facilities.** Permits the hiring of any applicant to provide adult substance abuse treatment in an adult substance abuse treatment facility, regardless of any conviction, if the hiring provider or employer determines that such criminal behavior was substantially related to the applicant's use of substances and the person has been successfully rehabilitated and is not a risk to consumers based on his criminal history background and substance use, abuse or addiction history. To be eligible, the applicant must have completed all prison or jail terms, must not be under probation or parole supervision, must not have pending charges in any locality, and must have paid all fines, restitution, and court costs for any prior convictions. Applicant means any person who is a (i) licensed substance abuse treatment practitioner; (ii) certified substance abuse counselor; (iii) certified substance abuse counseling assistant; (iv) licensed clinical social worker; (v) licensed professional counselor; (vi) licensed clinical psychologist; (vii) licensed registered nurse; or (viii) licensed physician. "Certified substance abuse counselor" will include any applicant who has been approved to obtain the supervision required for certification, and "certified substance abuse counseling assistant" will include any applicant who is actively pursuing the hours of experience required for certification as a substance abuse counseling assistant. Upon discovering that an applicant who is regulated by a health regulatory board has been convicted of any offenses listed in the criminal records check law, the provider must report the conviction to the appropriate health regulatory board. These provisions expire on July 1, 2007.

Patron - Devolites

: **SB134 Notice of proposals or initial applications for methadone clinics required.** Requires the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to notify the local governing body of and the community services board serving the jurisdiction in which a methadone clinic is proposed within 15 days of receiving notice of a proposal or an application to obtain initial licensure to operate such facility. Local governing bodies and community services boards must submit to the Commissioner comments on the pro-

posals or applications within 30 days from the date of the notice, including its compliance with relevant local ordinances.

Patron - Edwards

: SB312 Licensure conditions for certain methadone clinics. Prohibits the granting of an initial license to a facility for the provision of detoxification, treatment or rehabilitation of drug addicts through the use of the controlled substance, methadone, or other such controlled substances, if such facility is to be located within one-half mile of a public or private K-12 school. In addition, the Commissioner is required to notify the local governing body of the jurisdiction in which such facility is to be located within 15 days of receiving notice of a proposal or an application to obtain initial licensure for methadone clinics. The local governing body may submit comments on the proposal or application that may include its compliance with this provision and applicable local ordinances. Existing clinics, i.e., licensed and operating in accordance with the law and regulations in effect on January 1, 2004, are grandfathered. Three enactment clauses provide that: (i) the Board of Mental Health, Mental Retardation and Substance Abuse Services must promulgate emergency regulations; and (ii) the Commissioner must not grant or issue any initial license for a methadone clinic after the date of the enactment of this provision, unless the facility is in compliance with these provisions, notwithstanding any regulations to the contrary. This bill is incorporated into SB 607.

Patron - Bell

: SB604 Emergency custody and temporary detention orders; transportation. Requires magistrates who issue emergency custody or temporary detention orders for persons with serious mental illness to specify the law-enforcement agency and jurisdiction that shall execute such orders and provide transportation. The bill gives direction to the magistrate on choosing the responsible law-enforcement agency and jurisdiction. Finally, when a law-enforcement agency is required to transport persons to obtain emergency medical evaluation or treatment, such evaluation or treatment shall be conducted immediately.

Patron - Bolling

Carried Over

7 HB578 Temporary detention petitions. Requires the Supreme Court of Virginia to prescribe and publish rules governing the procedure for a sworn petition requesting a magistrate to issue an order of temporary detention. The Supreme Court must consider permitting the magistrate at his discretion to receive oral petitions by teleconference and written petitions filed by electronically transmitted facsimile process, provided there is reasonable proof of the petitioner's identity.

Patron - Hamilton

7 HB961 Guardianship or conservatorship for individuals with mental retardation. Grants the court the discretion to elect not to appoint a guardian ad litem to represent the interests of the respondent in a guardianship or conservatorship proceeding only when (i) the respondent is 18 years of age or older and has a diagnosis of mental retardation; (ii) the respondent is the child of the petitioner; (iii) the petitioner has been the person primarily responsible for the care of the respondent for at least five years immediately preceding the filing of a petition; (iv) the petitioner provides the court with an independent evaluation report of the respondent performed by a licensed professional skilled in the diagnosis, care and treatment of individuals with mental retardation which shall document, to the best information and belief of its signatory, whether the respondent is an incapacitated person who needs a

guardian, a conservator, or both; and (v) the respondent has not notified the court verbally or in writing that he desires the appointment of a guardian ad litem. If at any time subsequent to the filing of a petition the respondent notifies the court verbally or in writing that he desires the appointment of a guardian ad litem, the court must appoint a guardian ad litem immediately.

Patron - Barlow

7 SB507 Judicial authorization of treatment and detention. Removes the court's authority to order the withholding or withdrawal of a specific treatment or course of treatment for a mental or physical disorder when an adult patient is either incapable of making an informed decision on his own behalf or is incapable of communicating an informed decision due to a physical or mental disorder. Authority to order a specific treatment or a course of treatment is retained for the allegedly incapable adult person when the proposed action is in the best interest of the person. This provision also strikes the authority for "any person" to file a request for a court to order the withholding or withdrawal of treatment for an adult person who is incapable of making or communicating informed consent. For individuals incapable of making or communicating informed consent who are hospital patients at the time of the petition for treatment, this provision requires "complete accordance with the Health Care Decisions Act . . . and the delineated authorization of consent as set forth in § 54.1-2986, with all prudent effort made to obtain such informed consent from an individual or individuals in order of priority who are legally authorized to give consent."

Patron - Mims

Insurance

Passed

D HB221 Miscellaneous casualty insurance. Defines "miscellaneous casualty insurance" as insurance against liability, and against loss, damage, or expense arising out of injury to the economic interests of any person. It does not include any other statutorily-specified class of insurance, and would not include insurance that is contrary to law or public policy.

Patron - Hargrove

D HB322 Health insurance carriers; fair business practices; retroactive denials. Prohibits a health insurance carrier from imposing any retroactive denial of payment or seeking recovery or refund of a previously paid claim unless the carrier specifies in writing the specific claim for which the retroactive denial is to be imposed or the recovery or refund is sought. The carrier must also explain why the claim is being retroactively adjusted.

Patron - Griffith

D HB363 Legal services plans. Transfers responsibility for regulating legal services plan sellers from the State Corporation Commission's Bureau of Insurance to the Department of Agriculture and Consumer Services. The bill establishes requirements for the registration of legal services plan sellers, authorizes the Board of Agriculture and Consumer Services to prescribe regulations relating to legal services plan sellers, and authorizes the Department to investigate violations. Legal services plan sellers must make contract records available to the Department upon request and maintain a true copy of each contract for its term. A seller who knowingly and will-

fully violates the requirement shall be guilty of a Class 3 misdemeanor.

Patron - Hargrove

D HB460 Powers of attorney; fidelity and surety insurers. Eliminates the requirements that powers of attorney binding fidelity and surety insurers be recorded. The power of attorney must be attached to the bond or other obligation. The bill does not apply to surety bail bondsmen.

Patron - Drake

D HB553 Insurance; rates. Allows insurers, other than workers' compensation insurers, to limit the amount of a premium increase applicable to the renewal of a policy, and to phase in the increase over a specified period.

Patron - Hargrove

D HB596 Virginia Property and Casualty Insurance Guaranty Association. Recognizes the existence of Virginia Property and Casualty Insurance Guaranty fund coverage for certain qualifying claims that have been assumed as direct obligations of the insolvent insurer prior to the insurer's being declared insolvent. The bill clarifies that certain transactions, including routine reinsurance transactions and surplus lines transactions, are not novations that would establish a direct obligation of the insurer to the insured. The bill also expands the definition of "insolvent insurer" to include an insurer that is licensed in Virginia when the obligation with respect to the covered claim was assumed.

Patron - Dudley

D HB609 Fire insurance; flood coverage; notices. Requires insurers issuing a new or renewal contract or policy of fire insurance that excludes coverage for damage due to flood or any other overflow of a body of water to provide written notice to the policyholder that contents coverage may be available with the flood policy for an additional premium. An insurer is required to notify a policyholder when flood coverage is excluded from a policy or contract and that flood insurance is available from the insurer, insurance agent or the National Flood Insurance Program. The requirement applies to policies issued or renewed on or after October 1, 2004. The bill incorporates HB 1371.

Patron - Gear

D HB818 Homeowners insurance; nonrenewal. Prohibits an insurer from refusing to renew a homeowners insurance policy solely because a claim was made more than 60 months prior to the policy expiration date. This bill incorporates HB 731.

Patron - Drake

D HB898 Homeowners insurance deductibles. Requires an insurer who unilaterally changes the deductible on a policy insuring an owner-occupied dwelling to provide written notice to the insured stating that the deductible has been changed and explaining how the new deductible will be applied. This section will apply to policies renewed in Virginia on or after October 1, 2004.

Patron - Wardrup

D HB1007 Homeowners insurance; exclusions for dangerous or vicious animals. Authorizes the issuer of a homeowner's policy, with the insured's written consent, to exclude from coverage any liability resulting from an injury caused by a dangerous or vicious animal owned by or in the care, custody, or control of the insured if such animal has bitten, attacked, or inflicted injury on a person or companion animal. This bill incorporates HB 1332.

Patron - Rust

D HB1155 Interstate Insurance Product Regulation Compact. Provides that Virginia is a Compacting State under the Interstate Insurance Product Regulation Compact. The Compact is intended to: (i) promote and protect the interest of consumers of individual and group annuity, life insurance, disability income, and long-term care insurance products; (ii) develop uniform standards for those insurance products; (iii) act as a central clearinghouse to review insurance products and advertisements; (iv) approve product filings and advertisements; (v) improve coordination of regulatory resources and expertise among state insurance departments regarding uniform standards and review of relevant insurance products; (vi) create the Interstate Insurance Product Regulation Commission, and (vii) perform other related functions consistent with state regulation of the business of insurance. This bill also appoints the Commissioner of Insurance as the Commonwealth's representative to the Interstate Insurance Product Regulation Commission.

Patron - Morgan

D HB1181 Insurance; annuity nonforfeiture. Incorporates model provisions adopted by the National Association of Insurance Commissioners' Standard Nonforfeiture Law for Individual Deferred Annuities. The bill also establishes a formula that uses an index-based interest rate to determine the minimum nonforfeiture amounts for individual deferred annuity contracts issued on or after July 1, 2005, and details application of the formula, including that it may be applied to certain contracts issued before July 1, 2005.

Patron - Bryant

D HB1186 Insurance; actuarial opinions. Requires every insurer to submit annually an actuarial opinion and supporting documents, including a summary of opinion or issues, memoranda, and work papers prepared in conformity with appropriate National Association of Insurance Commissioners annual statement instructions. The documents shall be privileged and confidential and not discoverable or admissible in a civil action. The new requirements apply to fraternal benefit societies, health services plans, health maintenance organizations, and dental or optometric services plans.

Patron - Bryant

D HB1238 Virginia Insurance Continuing Education Board; Virginia Association of Health Underwriters. Adds one representative from the Virginia Association of Health Underwriters to the Virginia Insurance Continuing Education Board and decreases, from two to one, the number of representatives on the Board from the Virginia Association of Insurance and Financial Advisors.

Patron - Griffith

D HB1327 Insurance; multiple employer welfare arrangements. Excludes from the State Corporation Commission's regulatory jurisdiction any multiple employer welfare arrangement (MEWA) comprised only of banks and their employees that (i) is duly licensed as a MEWA by the insurance regulatory agency of a state contiguous to the Commonwealth, (ii) files with the Commission a copy of its certificate of authority or other proper license from the contiguous state, and (iii) has no more than 50 Virginia residents who are employees of its member banks enrolled in or receiving accident and sickness benefits as insureds, members, enrollees, or subscribers of the MEWA.

Patron - Dudley

D HB1342 Motor vehicle insurance; unfair settlement practices. Provides, with respect to a glass claim arising under a motor vehicle insurance policy, that an insurer's failure

to disclose (i) the true nature of a third party representative; (ii) that an insured is not required to use the facility, service or products recommended by the insurer; or (iii) that the insured or its third-party representative has a financial interest in the recommended replacement or repair facility, an unfair settlement practice, constitutes unfair settlement practices. The referring insurer is accountable for any violations by the third party representative.

Patron - Morgan

D HB1404 Insurance; group accident and sickness insurance coverage for dependent children. Allows insurers, at the policyholder's election, to extend coverage under a group accident and sickness insurance policy to include any child of an insured group member, regardless of the child's age.

Patron - Byron

D HB1407 Virginia Birth-Related Neurological Injury Compensation Act. Increases assessments for participating physicians and hospitals, and nonparticipating physicians on an incremental basis beginning in 2005, to maximums of \$5,500, \$200,000, and \$300, respectively. The bill also eliminates the authority to pay attorney's fees to applicants who are not admitted into the birth injury fund program.

Patron - Tata

D HB1408 Accident and sickness insurance; claims experience. Requires health maintenance organizations to provide, upon request, to those health care plan policyholders which employed an average of at least 100 insured, subscribers or enrollees in the preceding 12-month period, as part of the insured's claims experience record, (i) a summary of claims charges incurred and the amount paid for each claim for the most recent available 24-month period; (ii) a listing of the number of insured or subscribers for whom combined medical costs or claims exceeded \$100,000 in the most recently available 12-month period; and (iii) total enrollment in each membership category. The existing disclosure requirements applicable to group accident and sickness insurance policies and subscription contracts are amended to incorporate the new provisions regarding the size of the group policyholder that may request the information and to increase the threshold enrollees for whom information must be disclosed from those with payments or costs in excess of \$50,000 to those in excess of \$100,000. The bill becomes effective on January 1, 2005.

Patron - Carrico

D SB44 Health insurance; mandated coverage for biologically based mental illness. Repeals the scheduled July 1, 2004, sunset of the mandated health insurance benefit that requires the same coverage for biologically based mental illness as is provided for other illnesses, conditions or disorders. This bill is identical to SB 67.

Patron - Martin

D SB154 Fire Programs Fund. Requires the Executive Director of the Department of Fire Programs to establish written standards for determining the extent to which clients outside the Commonwealth shall be financially responsible for the cost of fire and emergency services training provided by the Department of Fire Programs. Revenues generated shall be retained in the Fire Programs Fund and used solely for providing additional training to members of Virginia's fire and emergency services.

Patron - Edwards

D SB156 Insurance; dental plan organizations. Establishes a new regulatory system specifically for dental plan organizations, pursuant to which companies that provide a

dental plan are required to be licensed. The bill also establishes required and optional dental benefit contract provisions, required provisions for plan dentist contracts, and requirements relating to the filing of premium rates and subscription fees.

Patron - Potts

D SB266 Long-term care partnership plan. Requires the Board of Medical Assistance Services to establish, consistent with federal law, a long-term care partnership program that will encourage the private purchase of long-term care insurance as the primary source of funding the participant's long-term care. The program must provide protection from estate recovery as authorized by federal law.

Patron - Edwards

D SB355 Insurance; domestic reciprocals. Requires prior written approval of material transactions, and timely disclosure of most other transactions, between a domestic reciprocal and a related party and, when the transaction is material to the reciprocal, between any two or more of the reciprocal's related parties. The bill requires the annual filing of a related parties summary and that a reciprocal's surplus, following any dividends or distribution to any of the reciprocal's related parties, shall be reasonable in relation to the reciprocal's outstanding liabilities and adequate to its financial needs.

Patron - Colgan

D SB372 Health maintenance organizations. Provides that, for purposes of health maintenance organization regulation, "net worth" and "capital and surplus" have the same meaning. Persons owning or having the right to acquire five percent or more of voting securities or subordinated debt of an entity applying for a license to establish or operate a health maintenance organization are required to disclose such fact when applying for a license.

Patron - Miller

D SB535 Insurance; funding agreements. Authorizes insurers licensed to write life insurance or annuities in Virginia to issue funding agreements. A funding agreement authorizes the insurer to accept funds and provides for an accumulation of funds for the purpose of making one or more payments in fixed or variable amounts, or both, that are not based on mortality or morbidity contingencies. The issuance of funding agreements constitutes transacting an insurance business in the Commonwealth. In a liquidation of an insurer, the holders of a funding agreement will receive the same priority that is currently accorded to policyholders.

Patron - Stosch

D SB618 Insurance; provider panels. Allows a health insurance provider to send a provider directory electronically to its insureds. If the directory is provided electronically, it shall be updated monthly.

Patron - Wagner

D SB687 Virginia Birth-Related Neurological Injury Compensation Act. Increases assessments for participating physicians and hospitals, and nonparticipating physicians on an incremental basis beginning in 2005, to maximums of \$5,500, \$200,000, and \$300, respectively. The bill also eliminates the authority to pay attorney's fees to applicants who are not admitted into the birth injury fund program.

Patron - Devolites

Failed

: HB439 Property and casualty insurance; wind-storm and hail coverage. Authorizes the Virginia Property

Insurance Association (VPIA) to issue windstorm or windstorm and hail insurance policies. The bill also authorizes property insurers underwriting in the voluntary market of Virginia's coastal areas to exclude (in new policies only) from coverage on owner-occupied dwellings any losses resulting from windstorm or windstorm and hail, provided the insurer (i) issues premium credits for such exclusions and (ii) furnishes written disclosures to insureds describing the exclusions and informing insureds that coverage for windstorm or windstorm and hail can be obtained through the VPIA. This bill is identical to SB 433.

Patron - Suit

: **HB731 Homeowners insurance; grounds for nonrenewal.** Prohibits an insurer from refusing to renew a homeowners insurance policy solely because of claims made on the policy more than 48 months prior to the next anniversary date of the policy. This bill is incorporated into HB 818.

Patron - Joannou

: **HB736 Motor vehicle insurance; exclusion for punitive damages.** Allows insurers that issue motor vehicle liability insurance to exclude coverage for punitive damages. The bill also excludes punitive damages from uninsured motorist coverage.

Patron - Hargrove

: **HB800 Health insurance; mandated coverage for hearing aids for minors.** Requires health insurers, health maintenance organizations, and corporations providing health care coverage subscription contracts to provide coverage for hearing aids and related services for children from birth to age 18 when a licensed audiologist prescribes such hearing aids and related services. Such coverage shall include one hearing aid per hearing-impaired ear, up to a cost of \$1,400, every 36 months. The insured may choose a higher priced hearing aid and pay the difference in cost above \$1,400, with no penalty to the insured or the hearing aid provider. No co-payment will apply. Hearing aids are not to be considered durable medical equipment.

Patron - Petersen

: **HB914 Insurance; workers' compensation rates; cap for coal mining classifications.** Caps the workers' compensation insurance rates and loss costs for the surface and underground coal classifications for the voluntary markets at the levels existing on July 1, 2004. Such rates shall remain in effect until the General Assembly authorizes a rate increase. The bill also caps at the July 1, 2004, level the coal-classifications rates for the assigned risk market. The State Corporation Commission retains its authority to decrease such rates and loss costs.

Patron - Phillips

: **HB1328 Homeowners insurance; dangerous or vicious dogs.** Prohibits insurers from refusing to issue or refusing to renew a homeowner's or renter's policy solely on the basis that the insured's or prospective insured's dog is one of a particular breed. Nothing prohibits an insurer from refusing to issue or refusing to renew such a policy if the insured's or prospective insured's dog is declared dangerous or vicious.

Patron - Dudley

: **HB1332 Homeowners insurance; exclusions for attractive nuisances and dangerous or vicious animals.** Authorizes the issuer of a homeowner's policy, with the insured's written consent, to exclude from coverage any liability resulting from an injury caused by a dangerous or vicious animal owned by or in the care, custody, or control of the insured if such animal has bitten, attacked, or inflicted injury

on a person or companion animal. This bill is incorporated into HB 1007.

Patron - Tata

: **HB1371 Fire insurance; flood coverage; notices.** Requires insurers issuing a new or renewal contract or policy of fire insurance that excludes coverage for damage due to flood, surface water, waves, tidal water, or any other overflow of a body of water, to provide written notice to the policyholder that contents coverage may be available with the flood policy for an additional premium. Current law requires an insurer to notify a policyholder when flood coverage is excluded from a policy or contract and that flood insurance is available from the insurance agent or the National Flood Insurance Program. This bill is incorporated into HB 609.

Patron - Rapp

: **HB1438 Self-insured rental vehicles; rental used as substitute for a vehicle being repaired or serviced; secondary coverage.** Makes the bodily injury and property damage liability protection provided the driver of a self-insured rental vehicle, when the self-insured vehicle is rented as a substitute for a motor vehicle being repaired or serviced, secondary to any insurance coverage that insures the driver for the same loss.

Patron - Athey

: **SB67 Health insurance; mandated coverage for biologically based mental health illnesses.** Repeals the scheduled July 1, 2004, sunset of the mandated health insurance benefit that requires the same coverage for biologically based mental illness as is provided for other illnesses, conditions or disorders. This bill is identical to SB 44.

Patron - Martin

: **SB68 Motor vehicle insurance; assessment for Fire Programs Fund.** Requires insurance companies that write motor vehicle insurance to pay an assessment of one percent of the total direct gross premium income from such insurance. The assessments will be paid into the Fire Programs Fund, which is administered by the Department of Fire Programs under policies established by the Virginia Fire Services Board.

Patron - Puckett

: **SB105 Health insurance; refusal to accept assignments prohibited; physicians.** Prohibits health insurers, health maintenance organizations, and the state employees' health care plan from refusing to accept an assignment of benefits made to a physician. A similar provision currently prohibits health insurers from refusing to accept assignments of benefits made to dentists and oral surgeons.

Patron - Williams

: **SB255 Health insurance; mandated coverage for infertility treatments.** Requires the state health plan, health insurers, health maintenance organizations and corporations providing accident and sickness subscription contracts to provide coverage for the treatment of infertility. The bill's provisions are applicable to policies, plans, and contracts delivered, issued for delivery, or renewed on and after July 1, 2004. They are not applicable to short-term travel, accident-only, limited, or specified disease policies, or to short-term nonrenewable policies of not more than six months' duration. This bill is identical to HB 619.

Patron - Puckett

: **SB291 Health insurance; notice of change in provider reimbursement rates.** Requires insurers issuing individual or group accident and sickness insurance policies

and other carriers using provider panels to provide written notification to health care providers at least 30 days prior to a change in the rates or fees that will be paid to providers for health care services.

Patron - O'Brien

: **SB376 Motor vehicle insurance policies; assessment for State Police Training and Retention Fund.** Imposes an assessment on insurers in an amount of one percent of the direct premium income from motor vehicle insurance policies. The bill also establishes the State Police Training and Retention Fund, into which the assessments will be deposited. Moneys in the Fund will be used to create and support programs for the training and retention of state police officers.

Patron - Deeds

: **SB433 Property and casualty insurance; windstorm coverage.** Authorizes the Virginia Property Insurance Association (VPIA) to issue windstorm or windstorm and hail insurance policies. The bill also authorizes property insurers underwriting in the voluntary market of Virginia's coastal areas to exclude (in new policies only) from coverage on owner-occupied dwellings any losses resulting from windstorm or windstorm and hail, provided the insurer (i) issues premium credits for such exclusions and (ii) furnishes written disclosures to insureds describing the exclusions and informing insureds that coverage for windstorm or windstorm and hail can be obtained through the VPIA. This bill is identical to HB 439.

Patron - Wagner

: **SB594 Health insurance; mandated coverage for prescription contraceptives.** Requires health insurers, corporations providing accident and sickness subscription contracts, and health maintenance organizations, whose policies, contracts, or plans include prescription drugs on an outpatient basis, to include coverage for any prescribed drug or device approved by the United States Food and Drug Administration for use as a contraceptive. This bill is identical to HB 469.

Patron - Howell

: **SB662 Mandated health insurance benefits.** Places a five-year moratorium on new health insurance mandates. This bill is identical to HB 1362.

Patron - Martin

: **SB679 State-mandated health insurance; Consumer Choice Benefits Plans.** Permits companies offering accident or sickness insurance policies or plans to offer a policy or plan that does not offer or provide all of the existing state-mandated health benefits. Each insurer or health maintenance organization providing such a benefits plan must provide a written disclosure, that must be signed by the prospective or current insured. Any plan must include payment to dentists and certain other health care providers for covered services; coverage of cancer screenings; the prohibition against discrimination; the certificate of quality assurance requirements; coverage of newborn, adopted, and dependent children; coverage of mental health and substance abuse services; coverage for diabetes; and the option relating to conversion coverage. This bill is identical to HB 935.

Patron - Martin

Carried Over

7 HB195 Insurance; health maintenance organizations; chiropractors. Requires health maintenance organizations to cover the services provided by a chiropractor if the chiropractor is authorized by law to provide the services in the

Commonwealth and the services are covered under the enrollee's evidence of coverage.

Patron - Black

7 HB222 Insurance; dental service plans; managed care health insurance plans. Provides that health care services do not include dental services, and that dental service plans do not constitute managed care health insurance plans.

Patron - Hargrove

7 HB266 Health insurance; prescription drug coverage; payments to providers. Requires each insurer, corporation, or health maintenance organization whose insurance policy, contract, or plan includes outpatient prescription drug coverage to pay a prescription benefit provider by electronic funds transfer or automated clearinghouse transfer within 30 days of receipt of a claims transmission from the prescription benefit provider. The payment by the insurer, corporation, or health maintenance organization shall be made to an account designated by the prescription benefit provider or its authorized representative. Prior to payment, the insurer, corporation, or health maintenance organization shall provide documentation to the prescription benefit provider of the claims payment information identifying the individual claims that are included in the payment. The claims payment information shall be in a format mutually agreed to by the insurer, corporation, or health maintenance organization and the prescription benefit provider, and shall comply with the Health Insurance Portability and Accountability Act of 1996.

Patron - Morgan

7 HB469 Health insurance; mandated coverage for prescription contraceptives. Requires health insurers, corporations providing accident and sickness subscription contracts, and health maintenance organizations, whose policies, contracts, or plans include prescription drugs on an outpatient basis, to include coverage for any prescribed drug or device approved by the United States Food and Drug Administration for use as a contraceptive. This bill is identical to SB 594.

Patron - Van Yahres

7 HB607 Homeowners insurance; hurricane deductibles. Authorizes insurers that write policies insuring owner-occupied dwellings to include a separate deductible applicable to damage caused by a hurricane. However, such deductible shall apply only when the measured wind velocity, at the time of the damage, exceeds 74 miles per hour where the damaged property was located, as determined by the National Weather Service's office in Wakefield, Virginia. The bill does not prohibit an insurer from including a deductible applicable to damage caused by wind not otherwise related to a hurricane.

Patron - Gear

7 HB619 Health insurance; mandated coverage for infertility treatment. Requires the state health plan, health insurers, health maintenance organizations and corporations providing accident and sickness subscription contracts to provide coverage for the treatment of infertility. The bill's provisions are applicable to policies, plans, and contracts delivered, issued for delivery, or renewed on and after July 1, 2004. They are not applicable to short-term travel, accident-only, limited, or specified disease policies, or to short-term nonrenewable policies of not more than six months' duration. This bill is identical to SB 255.

Patron - Carrico

7 HB814 Insurance; homeowners; cancellation or nonrenewal; claims inquiries. Prohibits an insurer from canceling or refusing to renew homeowners insurance policies

based solely on inquiries from insureds about potential claims for covered damages.

Patron - Eisenberg

7 HB833 Homeowners insurance; cancellations. Prohibits the cancellation of a policy of insurance on an owner-occupied dwelling when such policy is issued prior to closing and the decision to cancel is based solely on information obtained from the Comprehensive Loss Underwriting Exchange or credit information contained in a consumer report. The bill also requires an insurer to make a decision as soon as practicable regarding insurance on an owner-occupied dwelling that is being purchased and, if approved, issue a binder for such coverage and not delay closing the purchase of the dwelling.

Patron - Drake

7 HB882 Insurance; disclosures; class of business. Requires all health insurance issuers offering for sale any health benefit to employers to disclose to an employer the class of business, individual or group, for which it has been approved. For consistency with other disclosure provisions, the bill requires health insurance issuers who sell to small employers to provide a description of the plans and the benefits and premiums available under all health benefit plans for which the small employer is qualified.

Patron - Plum

7 HB935 State-mandated health insurance; Consumer Choice Benefits Plans. Permits companies offering accident or sickness insurance policies or plans to offer a policy or plan that does not offer or provide all of the existing state-mandated health benefits. Each insurer or health maintenance organization providing such a benefits plan must provide a written disclosure, that must be signed by the prospective or current insured. Any plan must include payment to dentists and certain other health care providers for covered services; coverage of cancer screenings; the prohibition against discrimination; the certificate of quality assurance requirements; coverage of newborn, adopted, and dependent children; coverage of mental health and substance abuse services; coverage for diabetes; and the option relating to conversion coverage. This bill is identical to SB 679.

Patron - Marshall, D.W.

7 HB1016 Group accident and sickness insurance coverage. Allows coverage under a group accident and sickness insurance policy to be extended to insure any person who the insured group member elects, provided such extension of coverage is agreed to by the insurer and the group policyholder. The bill also specifically authorizes coverage under such group policies to be extended to children of the insured group member who are older than 19, or 25 if a full-time student, as may mutually be agreed upon by the insurer and group policyholder. Currently, group policy coverage may be extended only to the insured group member's spouse and children under 19, or dependent children under 25 who are full-time students.

Patron - Dillard

7 HB1019 Homeowners insurance; grounds for nonrenewals. Prohibits an insurer or agent from refusing to renew a homeowner's insurance policy solely because of a claim resulting primarily from other than natural causes, unless the claim is related to a substantial increase in the risk of loss that the insurer assumed under the policy. Currently, an insurer may not refuse to renew a policy due to claims resulting primarily from natural causes, but may do so for claims resulting primarily from any other cause.

Patron - Dillard

7 HB1196 Insurance; medical expense coverage; intoxicants and narcotics. Provides that medical expense policies issued, delivered, renewed or extended on or after July 1, 2004, shall not include a provision providing that insurers will not be liable for any loss resulting from the insured's being intoxicated or under the influence of any narcotic unless taken on the advice of a physician. Policy exclusions prohibiting coverage as the result of impairment due to intoxicants or narcotics shall not be included in such policies.

Patron - Scott, J.M.

7 HB1216 Health insurance; mandated coverage for treatment of inborn errors of metabolism. Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for treatment of inborn errors of metabolism that involve amino acid, carbohydrate, and fat metabolism and for which medically standard methods of diagnosis, treatment, and monitoring exist.

Patron - Landes

7 HB1362 Mandated health insurance benefits. Places a five-year moratorium on new health insurance mandates. This bill is identical to SB 662.

Patron - Marshall, D.W.

7 HB1416 Health insurance; pharmacies; freedom of choice. Prohibits insurers from imposing upon pharmacies terms or conditions that are not equally required of all pharmacies in the Commonwealth, whether or not such benefits are furnished by pharmacists who are nonpreferred providers. The bill also prohibits insurers from requiring any payment, compensation, or reimbursement structure that results in, or would tend to result in: (i) discrimination in price or services to be rendered; or (ii) direct or indirect discrimination by the insurer, where the effect of such discrimination may be substantially to lessen competition or tend to create a monopoly. Insurers are also prohibited from directly or indirectly paying or accepting incentives between or among the insurer, the insurer's pharmacy benefit manager, or a pharmacy in a manner that would be a violation of state or federal law. Requiring or inducing a person receiving pharmacy benefits to use a mail order pharmacy for maintenance medications is also prohibited unless the pharmacy has not agreed to accept reimbursement for such services at the same rates, terms, and conditions that are applicable to mail order pharmacies.

Patron - Nutter

7 HB1417 Insurance; unfair settlement practices. Requires an insurer to pay the estate of a deceased insured 125 percent of a claim settlement if the insurer fails to pay a claim within a reasonable time when liability has become reasonably clear, and the insured dies. A "reasonable time" is defined as one year or sooner.

Patron - Pollard

7 HB1455 Health insurance; pharmacies; freedom of choice. Prohibits insurers from imposing upon pharmacies nonprice terms or conditions that are not equally required of all pharmacies in the Commonwealth, whether or not such benefits are furnished by pharmacists who are nonpreferred providers. The bill also prohibits insurers from requiring any payment, compensation, or reimbursement structure that results in, or would tend to result in: (i) discrimination in price or services to be rendered; (ii) the artificial depression of prices to be paid, or proposed to be paid, to a pharmacy providing pharmaceutical benefits; (iii) the establishment or unilateral change of reimbursement rates to a pharmacy that are below such pharmacy's costs or prevailing market rates; or (iv) direct or indirect discrimination by the insurer, where the effect of

such discrimination may be substantially to lessen competition or tend to create a monopoly, or to injure, destroy, or prevent competition in the practice of pharmacy. Insurers are also prohibited from directly or indirectly paying or accepting rebates, discounts, or other forms of disclosed or undisclosed incentives between or among the insurer, the insurer's pharmacy benefit manager, or a pharmacy in a manner that would be a violation of state or federal law. Requiring or inducing a person receiving pharmacy benefits to use a mail order pharmacy for maintenance medications is also prohibited unless the pharmacy selected by such person has not agreed to accept reimbursement for such services at the same rates, terms, and conditions that are applicable to mail order pharmacies that have one or more contracts with the insurer.

Patron - Athey

7 SB309 Medical malpractice joint underwriting association. Requires, by January 1, 2005, the State Corporation Commission to activate a joint underwriting association for the members of any class, type, or group of providers of health care who, between January 1, 2003, and January 1, 2004, have not been covered for any period of time by reason of insolvency of their previous carrier or cannot purchase or cannot afford to purchase medical malpractice insurance in the voluntary market. The Commission will establish criteria to determine the eligibility of any such class, type, or group of providers of health care to obtain coverage under the joint underwriting association.

Patron - Hawkins

7 SB401 Virginia Medical Malpractice Joint Underwriting Association. Establishes the Virginia Medical Malpractice Joint Underwriting Association, which will provide a market for medical malpractice insurance for any provider of health care that cannot otherwise obtain insurance in a form and at a premium acceptable to the provider. On or before September 30, 2004, the directors of the association must submit a plan of proposed operation to the State Corporation Commission for its approval. The bill eliminates the requirements for the establishment of a stabilization reserve fund and the reserve fund charge. The bill allows the Association's rates to include a premium surcharge based on past and prospective loss and expense experience.

Patron - O'Brien

7 SB650 Health insurance; exclusion for prophylactic surgical procedures for difficult-to-diagnose pathologies; genetic predisposition. Prohibits health insurers, corporations providing accident and sickness subscription contracts, and health maintenance organizations from refusing to provide coverage for prophylactic surgical procedures and medical services directly related thereto, in cases where the covered person's treating physician has determined that the person has a genetic factor or family history indicating a predisposition to a difficult-to-diagnose pathology, the risks to the covered person of developing the difficult-to-diagnose pathology as a result of such person's predisposition render such services medically appropriate, and coverage for treatment of the difficult-to-diagnose pathology would be provided under the terms of the policy, contract or plan if the difficult-to-diagnose pathology has been diagnosed. A difficult-to-diagnose pathology is a disease that is asymptomatic or otherwise not susceptible to diagnosis until reaching a stage at which the likelihood of successful treatment is significantly less than it would be had the treatment been performed when the disease was asymptomatic or not susceptible to diagnosis. A prophylactic surgical procedure is a surgical procedure that is performed prior to the diagnosis of or presentation of symptoms of a difficult-to-diagnose pathology, in order to prevent, eliminate or

reduce the likelihood of the development of the difficult-to-diagnose pathology.

Patron - Deeds

Juvenile Justice

Passed

D HB234 Department of Juvenile Justice; additional duties of the Director. Provides for the Director of the Department of Juvenile Justice to coordinate with the Department of Corrections the development and submission of requests for compensation from the United States Department of Justice State Criminal Alien Assistance Program for costs associated with incarcerating undocumented aliens.

Patron - Cox

Labor and Employment

Passed

D HB472 Payment of wages and salaries; prepaid debit cards. Eliminates the requirement that payments of wages by prepaid debit cards be deposited into a trust account. Payments of wages by credit to prepaid debit cards or card accounts are specifically authorized, provided the employee affirmatively consents and the employer discloses any applicable fees.

Patron - Nixon

D HB687 Commissioner of Labor and Industry. Provides that any reference to the Commissioner of Labor and Industry shall include his authorized representatives, except where the context clearly indicates the contrary. The bill allows the Commissioner to appoint a designated representative to carry out functions assigned to the Commissioner. Under current law, the Commissioner can appoint designated representatives in the occupational safety and health area, but his ability to make such appointments in other areas is not explicit.

Patron - Morgan

D SB136 Department of Labor and Industry; disclosure of information. Directs licensed emergency medical services agencies to release to the Commissioner of the Department of Labor and Industry, or his designee, certain prehospital patient care reports when such records are requested for a patient who has suffered an injury, disability, or death resulting from an accident or illness while engaged in his employment. The Commissioner shall only disclose such information in compliance with federal regulations and the Health Insurance Portability and Accountability Act of 1996.

Patron - Lambert

Failed

: SB22 Labor; minimum wage. Establishes the state minimum wage at \$6.50 per hour. Under current law, employers are required to pay a wage not less than the federal minimum wage and a training wage prescribed by the Fair Labor Standards Act. The federal minimum wage presently is \$5.15 per hour.

Patron - Miller

: **SB27 Parental leave for school involvement.** Requires employers to permit employees, who are parents or guardians of, or who stand in loco parentis to, a school-aged child, to take up to four hours of leave annually in order to attend or otherwise be involved in the child's school. The employer and employee must mutually agree to the time for the leave, the leave need not be compensated, and the employer may require both 48-hours advance notice of the leave and written verification from the school of the employee's involvement in the school.

Patron - Potts

: **SB428 Minimum wage.** Prohibits any public body from requiring an employer, or his subcontractor, that contracts to provide goods or services to the public body, to pay its employees a minimum wage that exceeds the federal minimum wage.

Patron - Wagner

: **SB475 Employment discrimination; prior convictions.** Prohibits discrimination in employment on the grounds that an individual has been convicted of one or more criminal offenses, unless the criminal conviction relates directly to the occupation or profession for which employment is sought.

Patron - Ticer

Carried Over

7 HB526 Department of Workforce Development. Creates the Department of Workforce Development, which reports to the Secretary of Commerce and Trade. The Department will serve as the administrator and fiscal agent for the Workforce Development Program, which program includes nearly every federal and state workforce training program and resource available to the Commonwealth and now being administered within several different state agencies. The Department's responsibilities include serving as liaison for workforce training within state government; working with the Virginia Workforce Council to develop uniform policies and procedures for the one-stop centers and evaluate the performance of local workforce investment boards; and monitoring federal legislation and policy in order to maximize the effective use of program funds. The state agencies now administering the various workforce development programs that will be consolidated under the Department are to transfer staff and funding from their respective administrations. The Governor is authorized to transfer appropriations and support other organizational changes as required by the bill. The provisions creating the department and transferring to it both responsibility for administering the Workforce Investment Act programs and for assisting the Virginia Workforce Council become effective December 1, 2004. The balance of the bill's provisions become effective July 1, 2005.

Patron - Hogan

Libraries

Passed

D HB1085 State Library Board. Provides that certain libraries serving a population of greater than 13,000 shall not use funds derived from any state aid to employ a librarian who does not meet the qualification for holding a professional

librarian position. Currently the prohibition applies to all public funds.

Patron - Scott, E.T.

Failed

: **HB189 Children's Internet Protection; public libraries.** Requires the library board or governing body of a library to select a technology for its computers that are accessible to children and have Internet access to filter or block Internet access through such computers to child pornography, obscenity and materials deemed harmful to juveniles as defined in Title 18.2. For adult use, this bill only requires operation of this technology at the request of the patron. This bill also requires the library board or governing body to certify compliance with these provisions to the Librarian of Virginia along with the filing of the acceptable use policy, which is already required. The provisions of this bill become effective upon certification by the Librarian of Virginia that a technology exists that complies with this section without violating the constitutional principles enunciated by the courts. See e.g., *United States v. American Library Assn*, 123 S. Ct. 2297 (2003); *Erznoznik v. City of Jacksonville*, 422 U.S. 205 (1975); *Ginsberg v. New York*, 390 U.S. 629 (1968); *American Library Association v. United States*, 201 F. Supp. 2d 401 (E.D. Pa. 2002); and *Mainstream Loudoun v. Board of Trustees of the Loudoun County Library*, 24 F.Supp.2d 552 (E.D. Va. 1998). This bill is incorporated into HB 475.

Patron - Black

: **HB475 Technology protection measures; public libraries.** Requires the library board or governing body of a library that receives state funding for any purpose to include in its acceptable use policy for the Internet provisions on selecting and installing on those computers that have Internet access a technology protection measure to filter or block Internet access through such computers to child pornography as set out in § 18.2-374.1:1, obscenity as defined in § 18.2-372 and, with respect to minors, materials deemed harmful to juveniles as defined in § 18.2-390. The bill also requires the library board or governing body to actually select and install the technology protection measure.

Patron - Nixon

: **HB1077 State Library Board; certification of library directors.** Requires the State Library Board to establish criteria for the certification of library directors to head local and regional public libraries. Such criteria shall consist of the following combination of training, education or experience credentials: (i) a masters degree in library science or equivalent degree from an accredited college or university, (ii) a masters degree in History, English, Information Services or any equivalent field relevant to library or archival science combined with a minimum of one year of work experience as an employee or volunteer in a library or archival institution in a position requiring knowledge of books and library sciences, or (iii) a minimum of seven years of work experience as an employee or volunteer in a library or archival institution in a position requiring knowledge of books and library sciences. The bill also provides for the State Library Board to issue provisional certifications under certain circumstance and to establish continuing education requirements for periodic renewal of certification of library directors. The bill contains technical amendments.

Patron - Parrish

: **SB205 State Library Board; qualifications for professional librarians.** Replaces the terms "librarian" and "professional librarian" with the term "library director." The

bill also provides that a library director shall be a graduate of (i) any accredited library school, (ii) a school of library science accredited by the American Library Association, or (iii) a master's degree program of an accredited college or university with the total education program and a minimum of five years library work experience in a position requiring a knowledge of books and library technique. Currently, work experience is not included and educational qualifications are limited to either graduation from any accredited library school or a school of library science accredited by the American Library Association.

Patron - Quayle

: SB519 State Library Board; certification of library directors. Requires the State Library Board to establish criteria for the certification of library directors to head local and regional public libraries. Such criteria shall consist of the following combination of training, education or experience credentials: (i) a masters degree in library science or equivalent degree from an accredited college or university, (ii) a masters degree in History, English, Information Services or any equivalent field relevant to library or archival science combined with a minimum of one year of work experience as an employee or volunteer in a library or archival institution in a position requiring knowledge of books and library sciences, or (iii) a minimum of seven years of work experience as an employee or volunteer in a library or archival institution in a position requiring knowledge of books and library sciences. The bill also provides for the State Library Board to issue provisional certifications under certain circumstance and to establish continuing education requirements for periodic renewal of certification of library directors. The bill contains technical amendments.

Patron - Hanger

Carried Over

7 HB890 Public libraries; state grants to improve standards. Provides that state aid to libraries or systems serving a population in excess of 600,000 shall receive 30 cents per capita. Currently, this amount is set at 10 cents.

Patron - Sickles

7 SB483 Technology; required protection measures; public libraries. Requires the library board or governing body of a library that receives state funding for any purpose to include in its acceptable use policy for the Internet provisions requiring the selection and installation on those computers that have Internet access a technology protection measure to filter or block Internet access through such computers to child pornography as set out in § 18.2-374.1:1, obscenity as defined in § 18.2-372 and, with respect to minors, materials deemed harmful to juveniles as defined in § 18.2-390. The bill also requires the library board or governing body to actually select and install the technology protection measure.

Patron - Obenshain

Mechanics' and Certain Other Liens

Passed

D HB220 Mechanic's lien; keeper of garage, hanger or marina. Increases the maximum lien for repairs or alterations made at the request of the owner of the boat, air-

craft, or vehicle that the keeper of the garage, hanger or marina shall have from \$625 to \$800.

Patron - Hargrove

D HB1119 Salvage and nonrepairable vehicles. Streamlines the process by which salvage and nonrepairable vehicle can be disposed of.

Patron - Weatherholtz

D HB1410 Mechanic's lien; attachment to easement. Clarifies that any mechanic's lien associated with work or materials furnished relative to an easement shall attach only to that easement and not to fee simple title to the real estate.

Patron - Armstrong

Carried Over

7 SB207 Real estate appraisers; lien for performance of appraisal. Provides that every real estate appraiser who performs an appraisal on any land, building, structure, or improved-upon land, under a written contract with the owner or his agent, shall have a lien upon the land, building, structure or improvement to the extent of the agreed contract price or a reasonable price for those services. Under the bill, a lien does not attach to the land, building, structure, or improvement unless it is recorded in the appropriate clerk's office. The bill also provides that the recorded lien shall be enforced in the same manner as a mechanic's or contractor's lien.

Patron - Quayle

7 SB296 Mechanics' liens; towing. Ties mechanics' liens for towing and storage to provisions of § 46.2-1231 relating to requirements for posting of certain signs, providing and keeping copies of certain notices in connection with towing of trespassing vehicles. The bill also provides for recovery of damages (treble damages in cases of willful violations) by persons whose vehicles are illegally towed away as "trespassing vehicles" and regulation of "towing operators" by the Department of Motor Vehicles.

Patron - O'Brien

Military and Emergency Laws

Passed

D HB11 Board of Military Affairs. Abolishes the Board of Military Affairs. The Board was created in 1930 to advise the Governor and the Adjutant General on military affairs. The need for the Board to meet has diminished since the creation of the Public Safety Secretariat and, during the past seven years, the Board has been completely inactive. This bill is a recommendation of the Joint Subcommittee to Study the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002).

Patron - Cox

D HB415 Emergency Services and Disaster Law; annual statewide drill. Requires the Governor to conduct an annual statewide drill on response to a large-scale natural disaster. The drill shall include the participation of local governments, affected state agencies, public utilities, law-enforcement agencies, and other entities as determined by the Governor. The bill also provides for the Governor to report to the chairs of the Committee on Militia, Police and Public

Safety and the Senate Committee on General Laws on the results of the drill by December 31 of each year.

Patron - Lewis

D HB618 Military and emergency laws; protection of job security of members of military reserves. Allows the Attorney General to represent an employee denied the employment protections of §§ 44-93, 44-93.2, 44-93.3 and 44-93.4 when on active state military duty. The provision would make the enforcement provisions parallel to the federal employment protections available to employees on active federal duty where the United States Department of Labor may intercede and refer cases to the United States Attorney General. This bill incorporates HB 481.

Patron - Carrico

D HB873 Municipalities; alert and warning system. Requires all localities with a population greater than 50,000 to establish an alert and warning system for the dissemination of adequate and timely warning to the public in the event of a warning or threatened disaster. The bill also requires the local governing body to amend its local emergency operations plan to include rules for the operation of its alert and warning plan, which may include outdoor warning sirens, Emergency Alert Systems, NOAA Weather Radios, amateur radio operators, or other personal notification systems that are capable of disseminating adequate and timely warning to the public in the event of an emergency or threatened disaster. The plan must be established by July 1, 2005.

Patron - Van Landingham

Failed

: HB183 Emergency management; local emergency actions. Provides that local emergency actions shall carry the force and effect of law if determined that such force is in the interest of public safety. Violations would be punishable as a Class 1 misdemeanor.

Patron - Oder

: HB213 Board of Military Affairs. Abolishes the Board of Military Affairs. The Board was created in 1930 to advise the Governor and the Adjutant General on military affairs. The need for the Board to meet has diminished since the creation of the Public Safety Secretariat and, during the past seven years, the Board has been completely inactive. This bill is identical to HB 11, which was recommended by the Joint Subcommittee to Study the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002).

Patron - Athey

: HB481 Military and emergency laws; protection of job security of members of military reserves. Allows the Attorney General to represent an employee denied the employment protections of §§ 44-93, 44-93.2, 44-93.3 and 44-93.4 when on active state military duty. The provision would make the enforcement provisions parallel to the federal employment protections available to employees on active federal duty where the United States Department of Labor may intercede and refer cases to the United States Attorney General. This bill is incorporated into HB 618.

Patron - Cole

Carried Over

7 HB313 Office of the Assistant to the Governor for Commonwealth Preparedness. Directs the Virginia

Emergency Response Council to coordinate with the Office of the Assistant to the Governor for Commonwealth Preparedness to promote security and facilitate preparedness in the Commonwealth.

Patron - Purkey

7 HB1195 Local emergency operations plans. Requires localities and interjurisdictional emergency management agencies to include written agreements with relevant public or private entities in their emergency operations plan in order to facilitate the effective, safe and efficient coordination of efforts during governor-declared states of emergency. Such agreements shall be made with, but are not limited to, the Virginia Department of Transportation, and owners or operators of electricity, gas, sewer and water facilities serving the locality or interjurisdictional area. The agreements shall include, but are not limited to, the designation of a contact person available on a 24-hour basis, specified times when the public or private entity must have an employee or agent at the local or interjurisdictional emergency operations center, mutual arrangements regarding work to be done in close proximity to high voltage power lines, and other duties and responsibilities of all parties to such agreements. The bill also requires all political subdivisions to annually update their emergency operations plan.

Patron - Scott, J.M.

7 SB693 Emergency services; local authority. Provides that when the Governor has declared a state of emergency, the power of political subdivisions includes the declaration and enforcement of curfews.

Patron - Rerras

Motor Vehicles

Passed

D HB2 Special license plates; expired authorizations. Repeals authorization for issuance of special license plates that have failed to meet the deadline for receipt of the minimum number of prepaid applications. The affected plates are those for registered nurses, submarine service veterans, the American Red Cross, Fraternal Order of Police Associates, Fraternal Order of Police Auxiliary, Corvette motor vehicle enthusiasts, National Association of Retired Federal Employees, Virginia Federation of Women's Clubs, local government attorneys, the Motorcycle Rider Safety Training Program, the Virginia Statute for Religious Freedom, the Marriage Encounter Movement, retired state employees, the POW/MIA logo, insurance agents, Cold War veterans, Virginia is for Lovers, historic covered bridges, the Leukemia and Lymphoma Society, Seton House, the Interdenominational Children's Foundation of Virginia, the Washington Capitals, the National Motto -- In God We Trust, medical doctors, emergency medical technicians, paramedics, hunter safety instructors, the Police Benevolent Association, Langley Air Force Base, multiple sclerosis, Job's Daughters, the Civilian Conservation Corps, coal mining heritage, teachers, the Children's Hospital of the King's Daughters, military parachutists, and the Izaak Walton League.

Patron - Landes

D HB35 Speed limits. Adds Clarke, Fauquier, Frederick, Warren, and Wythe to the list of counties within which the maximum speed limit on dirt roads is 35 miles per hour, unless increased or decreased by the Commonwealth Transportation Commissioner. Presently, this provision applies only to Loudoun County.

Patron - Sherwood

D HB38 Special license plates. Authorizes or reauthorizes issuance of special license plates for supporters of adoption programs offered by the Virginia Department of Social Services and licensed Virginia nonprofit child-placing services, Mothers Against Drunk Driving, Project Lifesaver, the Interdenominational Children's Foundation of Virginia, the Boy Scouts of America, and the Juvenile Diabetes Research Foundation; members and associates of court-appointed special advocate programs; members of the American Legion; commemorating the 200th anniversary of the Town of Occoquan, the 350th anniversary of the County of New Kent, the 150th anniversary of Burke's Station, and the 275th anniversary of the County of Prince William; retired law-enforcement officers; U.S. Navy chief petty officers; bicycle enthusiasts; Langley Air Force Base; professional stock car drivers; persons awarded the Combat Infantryman Badge; and general registrars. The bill incorporates HB 233, HB 254, HB 379, HB 426, HB 427, HB 597, HB 606, HB 634, HB 778, HB 808, HB 923, HB 964, HB 965, HB 1110, HB 1170, HB 1285, HB 1295, and HB 1446.

Patron - Orrock

D HB83 Vehicle registration; vehicles owned by regional jail authorities. Provides for registration of vehicles owned by regional jail authorities as "local government" vehicles. This bill incorporates HB 172, HB 917, and HB 742.

Patron - Kilgore

D HB85 Motor vehicle safety inspections. Exempts certain new motor vehicles from initial safety inspections.

Patron - Cosgrove

D HB86 Copying driver's licenses, etc. Prohibits reproduction by photograph or otherwise of any driver's license, temporary driver's permit, learner's permit, or special identification card issued by the Department of Motor Vehicles (DMV) with the intent to commit an illegal act. Present law prohibits copying without permission of DMV (but makes no mention of illegal acts or special identification cards).

Patron - Cosgrove

D HB87 Mobile infrared transmitters. Prohibits operation by any person of a motor vehicle on the highways of the Commonwealth when the vehicle is equipped with a mobile infrared transmitter used to preempt or change the signal given by a traffic light. The bill also makes it illegal to sell any of these devices in the Commonwealth, except for uses permitted by the bill. The bill doesn't apply to law-enforcement, fire-fighting, life-saving, or rescue vehicles or ambulances responding to an emergency call or operating in an emergency situation, nor to any vehicle providing public transportation service in a corridor approved for public transportation priority by the Virginia Department of Transportation or the governing body of any county, city, or town having control of the highways within its boundaries. The bill incorporates HB 895, HB 366, and HB155.

Patron - Lingamfelter

D HB145 Local motor vehicle taxes and fees. Allows localities to issue local vehicle licenses (windshield decals) free of charge to active auxiliary members of volunteer fire departments and active auxiliary members of volunteer rescue squads.

Patron - Orrock

D HB180 Odometer reading disclosures. Exempts owners or transferors of motor vehicles having gross vehicle

weight ratings of more than 16,000 pounds from odometer reading disclosure requirements.

Patron - Oder

D HB232 Sight-seeing carriers; limousine and executive sedan carriers. Updates an outdated cross-reference to definitions in § 46.2-2000.

Patron - Hall

D HB250 Reckless driving; penalties. Provides that if a person is convicted of reckless driving while driving on a suspended or revoked operator's license (for a moving violation) and as the sole and proximate cause of his reckless driving, causes the death of another, he is guilty of a Class 6 felony.

Patron - McQuigg

D HB253 Local, prepayable traffic offenses. Provides that the fine for speeding in certain residential districts that have signs displaying the speed limit is \$200 and can be suspended only if the court orders 20 hours of community service. Under current law the fine can be up to \$200 and there is no reference to community service. The bill also provides that the prepayable fine is \$200 plus an amount per mile-per-hour.

Patron - McQuigg

D HB257 Driver's licenses and learner's permits; renewals; vision examinations. Provides that no driver's license or learner's permit issued to any person who is 80 years old or older will be renewed unless the applicant for renewal appears in person and either (i) passes a vision examination or (ii) presents a report of a vision examination, made within 90 days prior thereto by an ophthalmologist or optometrist, indicating that the applicant's vision meets or exceeds the standards contained in § 46.2-311. This bill incorporates HB 1197.

Patron - Jones, D.C.

D HB272 Examination of licensees; confidential sources of information. Adds pharmacists and other licensed medical professionals who are treating the driver or prescribing him medications to those sources of information about a driver's mental and physical capacity that the Department of Motor Vehicles shall keep confidential.

Patron - Morgan

D HB319 Armed forces personnel; expiration of certain licenses, etc. Provides for extensions of documents (i) issued by the Department of Motor Vehicles (DMV), the DMV Commissioner (except special license plates issued to members of the National Guard), or the Motor Vehicle Dealer Board or (ii) related to the practice of any business, profession, or calling regulated under Title 54.1 of the Code, for citizens of Virginia serving outside Virginia or the United States in the armed forces of the U.S. or the U.S. diplomatic service.

Patron - Cox

D HB340 Trailer dealers. Exempts from licensure as trailer dealers persons dealing solely in utility/cargo trailers that weigh no more than 3,000 pounds. This bill contains an "emergency clause" and becomes effective on its passage.

Patron - Pollard

D HB346 Abandoned vehicles. Provides that when a manufactured home or a mobile home is found abandoned on somebody else's property, the owner or person having a security interest in the abandoned manufactured home or mobile home has 120 days (instead of 30 days) to reclaim the vehicle before the owner of the property on which the manufactured home or mobile home was found abandoned can apply to the

Department of Motor Vehicles to get his own title to the abandoned manufactured home or mobile home.

Patron - Cosgrove

D HB429 Utility trailers; study. Requires that either two or more reflectors of a type approved by the Superintendent of State Police or at least 100 square inches of solid reflectorized material be affixed to the rear end of every trailer that has an unloaded weight of 3,000 pounds or less. The reflectors or reflective material must be applied so as to outline the rear end of the trailer.

Patron - Reid

D HB453 Motor vehicle dealers. Repeals the provision of § 46.2-1500 that exempts persons who sell and distribute fire-fighting equipment, ambulances, and funeral vehicles from having to be licensed as motor vehicle dealers. The amendment to § 46.2-733 amends a cross-reference to a renumbered subdivision in § 46.2-1500. The bill becomes effective January 1, 2005.

Patron - McQuigg

D HB477 Motorcycle learner's permits. Allows persons to operate motorcycles under a motorcycle learner's permit if accompanied by a person providing immediate supervision from an accompanying motor vehicle (instead of motorcycle). It also allows nighttime operation and operation on limited access highways. Operation while under supervision of someone who is not licensed to operate a motorcycle is disallowed.

Patron - Nixon

D HB532 Motorcycle rider safety training centers. Provides for licensure of motorcycle rider safety training centers, instructors, etc., by the Department of Motor Vehicles.

Patron - Stump

D HB552 Operation of bicycles and similar vehicles. Requires the driver of any vehicle overtaking another vehicle (whether a "motor vehicle" or not) proceeding in the same direction to pass at least two feet to the left of the overtaken vehicle. The bill also allows a person operating a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped to signal a right turn or pull to the right by extending the right hand and arm in a horizontal position straight from and level with the shoulder beyond the right side of the bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped, and may signal slowing down or stopping by extending the right arm downward. Additionally, the bill allows persons riding bicycles, electric personal assistive mobility devices, or electric power-assisted bicycles on a highway to ride two abreast if they do not impede the flow of traffic. Helmets required by local ordinances for persons riding bicycles, electric personal assistive mobility devices, or electric power-assisted bicycles on the highway must at least meet the Consumer Product Safety Commission standard. Persons using roller skates or skateboards or riding toys or other devices on wheels or runners on the highways (except bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, and motorcycles) must keep as near as safely practicable to the far right side or edge of the right traffic lane so that they will be proceeding in the same direction as other traffic. It also provides that every bicycle, electric personal assistive mobility device, electric power-assisted bicycle, and moped, when in use between sunset and sunrise, must be equipped with a headlight on the front that emits a white light visible in clear weather from a distance of at least 500 feet and a red reflector visible from a distance of at least 600 feet when directly in front of

lawful lower beams of headlights on a motor vehicle. This bill is identical to SB 252.

Patron - Hargrove

D HB556 Amber warning lights on rural mail delivery vehicles. Allows rural mail delivery vehicles to display at least one flashing amber warning light, mounted on the roof of the vehicle, in close proximity to a sign with the words "U.S. Mail." For additional safety, a flashing amber warning light may be mounted on the rear of the vehicle to be used in conjunction with rear-mounted "U.S. Mail" signs, but use of such a rear-mounted light is not required.

Patron - Hargrove

D HB557 Driving after forfeiture of license for DUI conviction. Clarifies which penalty provisions apply for driving on a suspended or revoked license or in violation of the terms of a restricted license.

Patron - Sherwood

D HB564 Passenger cars with nitrous oxide-supplied engines. Prohibits operation on the public highways of motor vehicles whose engines are supplied with nitrous oxide. Violations constitute Class 3 misdemeanors (fine up to \$500).

Patron - Albo

D HB592 Failing to pay for motor fuel; penalty. Clarifies that any person who intentionally drives away without paying for motor fuel may be prosecuted for larceny, in addition to the \$100 civil penalty.

Patron - Janis

D HB593 Penalties for aggressive driving. Allows the court to suspend the driver's license of and issue a restricted license to a person convicted of aggressive driving.

Patron - Janis

D HB608 Antique trailers. Provides for the registration of antique trailers in the same manner presently provided for the registration of antique motor vehicles. The bill also explicitly authorizes towing of trailers by antique motor vehicles.

Patron - Gear

D HB658 Damaging signs. Makes it a Class 1 misdemeanor (jail for up to 12 months and/or a fine up to \$2,500) to deface, damage, knock down, or remove any street address sign posted to assist in address identification in connection with enhanced 9-1-1 service.

Patron - Bell

D HB676 Revocation of license for multiple convictions of driving while intoxicated. Clarifies language regarding administrative license revocation for multiple DUI offenses to eliminate an apparent requirement that a "second offense" or "third offense" be proven for the revocation to occur. The intended effect of new wording is to accomplish revocation for multiple "first offenses," i.e., those cases where the Commonwealth was unable to or did not prove that the defendant had a prior offense.

Patron - Bell

D HB677 Parking on secondary system highways. Allows the governing bodies of Fairfax, James City, Loudoun, Montgomery, Prince George, Prince William, and York Counties by ordinance to restrict or prohibit parking on secondary highways within their boundaries. Current law requires approval of these actions by the Commonwealth Transportation Board.

Patron - Rapp

D HB721 Parking. Allows towns in Fairfax County the same power as the County to regulate or prohibit parking of certain vehicles. This bill is identical to SB 273.

Patron - Shannon

D HB774 Driving while license, permit, or privilege to drive suspended or revoked. Provides that mandatory minimum punishment for a third or subsequent offense of driving on a suspended license applies only if such offense occurs within 10 years of the first offense. The bill also revises existing language in an attempt to clarify, without changing the intent of the law.

Patron - McDougle

D HB777 Traffic lights. Provides that drivers of vehicles approaching an intersection controlled by traffic lights that are dark because of power failures or similar causes shall proceed as though the intersection were controlled by all-way stop signs.

Patron - McDougle

D HB847 Driver improvement clinics. Gives the Department of Motor Vehicles (DMV) clear statutory authority to impose penalties for wrongdoing on the part of driver improvement clinic operators and instructors. The bill describes offenses for which DMV may impose suspensions, revocations of clinic and instructor certificates, and gives DMV the ability to impose civil penalties for such offenses. Penalties may be contested using a hearing procedure. The bill also defines and gives DMV express authority to certify computer-based clinic providers.

Patron - Brink

D HB866 Youthful drivers. Allows foster parents of persons less than 18 years old to certify that they have driven for 40 hours or more, with at least 10 of those hours being at night. Presently, such certification must be made by the applicant's parent or legal guardian.

Patron - Byron

D HB887 Emissions inspections; hybrid vehicles. Exempts qualified hybrid vehicles from the motor vehicle emissions inspection program.

Patron - Plum

D HB899 Over-the-road operation of golf carts and utility vehicles. Authorizes limited over-the-road operation of golf carts and utility vehicles and reorganizes present Code provisions dealing, generally, with golf carts and their operation.

Patron - Wardrup

D HB900 Special license plates; "housekeeping." Makes several "housekeeping" amendments to various statutes relating to special license plates in order to (i) bring greater uniformity issuance of and qualifications for special license plates for persons issued various military decorations and (ii) bring other sections in Article 10 of Chapter 6 of Title 46.2 (Special License Plates) into technical conformity with amendments made in 2003 to § 46.2-725 (special license plates, generally).

Patron - Wardrup

D HB993 Penalties for racing. Provides that causing serious bodily injury to another while racing a motor vehicle in a manner that shows a reckless disregard for human life is a Class 6 felony. The bill also requires seizure and forfeiture of a

convicted person's vehicle and surrender of the person's driver's license for one to three years.

Patron - Hugo

D HB1002 Distribution of the "four for life" fund. Revises the formula for distribution of the \$4 per year that is charged and collected for registration of motor vehicles.

Patron - Orrock

D HB1120 Mopeds. Requires all moped drivers to have identification that includes their name, address, and date of birth. Violations are punishable by a fine of no more than \$50.

Patron - Weatherholtz

D HB1136 Administrative license revocation. Provides that when a person is arrested or summonsed for a DUI offense, the period of administrative license revocation shall be seven days for a first alleged offense, 60 days or time of trial, whichever occurs first, for a second alleged offense and time of trial for a third or subsequent alleged offense. Under current law, the suspension period is seven days in all cases.

Patron - McDonnell

D HB1305 International Fuel Tax Agreement (IFTA). Establishes the violations and penalties for interstate motor carriers operating in Virginia without proper registration and identification markers as required by the IFTA. The bill also provides who may be cited for violations and authorizes the seizure of vehicles when an interstate motor carrier fails to satisfy a judgment.

Patron - Parrish

D HB1312 Specialized mobile equipment. Allows transportation on specialized mobile equipment of safety equipment, including but not limited to highway traffic safety cones, to be used on a job site.

Patron - May

D HB1335 Colored warning lights. Authorizes certain Department of Military Affairs vehicles and Virginia National Guard vehicles, as designated by the Adjutant General, when used in state active duty service to perform particular law-enforcement functions, to be equipped with flashing, blinking, or alternating blue, blue and red, blue and white, or red, white, and blue combination warning lights of types approved by the Superintendent. Presently, use of these lights is limited to Department of Corrections vehicles designated by the Director of the Department of Corrections and law-enforcement vehicles.

Patron - Spruill

D HB1346 Lane restrictions for certain commercial motor vehicles on certain highways. Requires that, on Interstate Route 81, commercial motor vehicles not use the left-most lane. The bill also requires that commercial motor vehicles keep to the right-most lane when operating at a speed of 15 miles per hour or more below the posted speed limit on an interstate highway with no more than two lanes in each direction.

Patron - Saxman

D HB1383 Access to DMV records. Provides for access to records of the Department of Motor Vehicles (DMV) for authorized representatives of insurance companies or of any not-for-profit entities organized to prevent and detect insurance fraud, conduct claims investigations, or perform rating and underwriting activities. No such information shall be

used for solicitation of sales, marketing, or other commercial purposes.

Patron - McDougle

D HB1423 Dealer's manual transaction fee. Increases from 10 per month to 20 per month the number of manual transactions that may be conducted by a dealer with the Department of Motor Vehicles without incurring an additional fee. The bill is effective on its passage, but expires on January 1, 2006.

Patron - Stump

D HB1425 Motor vehicle safety inspection stations. Requires each motor vehicle safety station to have garage liability insurance in the amount of at least \$500,000 with an approved surplus lines carrier or an insurance company licensed to write such insurance in this Commonwealth.

Patron - Phillips

D HB1445 School crossing guards. Requires school crossing guards to whom hand-held stop signs are supplied by their local school divisions to use them to control traffic at school crossings.

Patron - Howell, A.T.

D SB21 Special license plates; Senate omnibus. Authorizes or reauthorizes special license plates for the 200th anniversary of the Town of Occoquan, the POW/MIA logo, supporters of Virginia agriculture, the 275th anniversary of the County of Prince William, supporters of the Blue Ridge Parkway Foundation, organ donor programs, barbershop quartet singing enthusiasts, supporters of the Washington D.C. United soccer team, supporters of the Canine Health Foundation, and supporters of children with special needs. The bill incorporates SB 52, SB 53, SB 360, SB 340, SB 258, SB 41, SB 42, SB 16, and SB 445.

Patron - Puller

D SB101 Pedestrians. Allows the governing body of towns in Loudoun County to provide by ordinance for the installation and maintenance of highway signs at marked crosswalks specifically requiring operators of motor vehicles, at the locations where such signs are installed, to yield the right-of-way to pedestrians crossing or attempting to cross the highway. The bill incorporates SB 451.

Patron - Devolites

D SB107 Release of personal data by the Department of Motor Vehicles to toll facility operators and toll technology entities. Allows the Commissioner of the Department of Motor Vehicles to enter into agreements with private toll facility operators or toll collection technology entities to enable them to obtain from the Department personal information in order to conduct motor vehicle research relating to methods of electronic toll collection.

Patron - Williams

D SB112 Franchised motorcycle dealers. Requires manufacturers and distributors, in the event of an involuntary discontinuation, cancellation, or nonrenewal of a franchise agreement, to repurchase certain vehicles, parts, and equipment from the dealer.

Patron - Williams

D SB127 Registration of farm vehicles; fees. Establishes for the purpose of registration of "farm vehicles," what is and what is not a "farm."

Patron - Watkins

D SB148 Release of "Smart Tag" information. Provides that, with three exceptions, data generated by automated electronic toll-collection systems (such as "Smart Tag") on use of toll facilities by individually identifiable vehicles can only be disclosed when so required by order of a court of competent jurisdiction. The bill also provides for injunctive relief and payment of attorneys' fees for persons aggrieved by violations.

Patron - Cuccinelli

D SB252 Operation of bicycles and similar vehicles. Requires the driver of any vehicle overtaking another vehicle (whether a "motor vehicle" or not) proceeding in the same direction to pass at least two feet to the left of the overtaken vehicle. The bill also allows a person operating a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped to signal a right turn or pull to the right by extending the right hand and arm in a horizontal position straight from and level with the shoulder beyond the right side of the bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped, and may signal slowing down or stopping by extending the right arm downward. Additionally, the bill allows persons riding bicycles, electric personal assistive mobility devices, or electric power-assisted bicycles on a highway to ride two abreast if they do not impede the flow of traffic. Helmets required by local ordinances for persons riding bicycles, electric personal assistive mobility devices, or electric power-assisted bicycles on the highway must at least meet the Consumer Product Safety Commission standard. Persons using roller skates or skateboards or riding toys or other devices on wheels or runners on the highways (except bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, and motorcycles) must keep as near as safely practicable to the far right side or edge of the right traffic lane so that they will be proceeding in the same direction as other traffic. It also provides that every bicycle, electric personal assistive mobility device, electric power-assisted bicycle, and moped, when in use between sunset and sunrise, must be equipped with a headlight on the front that emits a white light visible in clear weather from a distance of at least 500 feet and a red reflector visible from a distance of at least 600 feet when directly in front of lawful lower beams of headlights on a motor vehicle. This bill is identical to HB 552.

Patron - Deeds

D SB259 License plates for certain reconstructed vehicles. Authorizes use of one rear-mounted license plate on specially constructed vehicles built, reconstructed, restored, preserved, and maintained for historic or hobby interest.

Patron - Hawkins

D SB273 Parking. Allows towns in Fairfax County the same power as the County to regulate or prohibit parking of certain vehicles. This bill is identical to HB 721.

Patron - Devolites

D SB288 Driver training schools. Provides the Department of Motor Vehicles with appropriate statutory authority to regulate driver training schools and amend its driver training school regulations.

Patron - O'Brien

D SB345 Commercial driver's licenses; hazmat endorsement. Authorizes imposition of additional fees for issuance of any hazmat endorsement, in order to off-set costs incurred as the result of provisions of the U.S.A. Patriot Act.

Patron - Williams

D SB350 Local motor vehicle taxes and fees. Allows localities to issue local vehicle licenses (windshield decals) free of charge to active auxiliary members of volunteer fire departments and active auxiliary members of volunteer rescue squads.

Patron - Houck

D SB362 Disabled parking; license plates. Provides for the issuance of disabled parking license plates to the parents and legal guardians of persons with physical disabilities that limit or impair their ability to walk.

Patron - Colgan

D SB387 Motor vehicles dealers. Provides that mobile cranes that exceed the size or weight limitations as set forth in §§ 46.2-1105, 46.2-1110, 46.2-1113, or Article 17 (§ 46.2-1122 et seq.) of Chapter 10 of Title 46.2 (Motor Vehicles) of the Code are not "motor vehicles" for the purpose of sale by persons not licensed as motor vehicle dealers.

Patron - Williams

D SB402 Driver's licenses. Provides that no driver's license or learner's permit may be issued to any person who is 80 years old or older unless the applicant for renewal appears in person and either (i) passes a vision examination or (ii) presents a report of a vision examination, made within 90 days prior thereto by an ophthalmologist or optometrist, indicating that the applicant's vision meets or exceeds the standards contained in § 46.2-311. This bill is identical to HB 257.

Patron - O'Brien

D SB408 Speed limits. Provides that the maximum speed limit will be 65 miles per hour on (i) interstate highways, (ii) multi-lane, divided, limited access highways, and (iii) high-occupancy vehicle lanes that are physically separated from regular travel lanes and 60 miles per hour on U.S. Route 360 where it is a nonlimited access, multilane, divided highway.

Patron - Ruff

D SB419 Motor vehicles; failure to pay parking citations. Repeals the July 1, 2005, "sunset" on the 2003 act that extended the power of the Commissioner of the Department of Motor Vehicles to refuse to renew motor vehicle registrations when an owner of a vehicle owes delinquent parking citations to the locality where it is registered. This act does not apply to rental vehicles.

Patron - Wagner

D SB421 Traffic lights. Makes noncompliance with traffic light signals a traffic infraction punishable by a fine of no more than \$350.

Patron - Wagner

D SB444 Special license plates; supporters of the Virginia Sheriffs' Institute; fees. Authorizes issuance of revenue-sharing special license plates to supporters of the Virginia Sheriffs' Institute. The annual fee for these plates will be \$25 in addition to the prescribed fee for state license plates. For each such \$25 fee collected in excess of 1,000 registrations pursuant to this section, \$15 will be paid annually to the Virginia Sheriffs' Institute and used exclusively to memorialize and honor Virginia law-enforcement officers killed in the line of duty.

Patron - Rerras

D SB471 Regulation of parking in certain localities. Expands the range of vehicles that the counties of Arlington, Fairfax and Prince William (described by form of government) may include in their local ordinances that regulate

the parking of certain vehicles on public highways in residence districts.

Patron - Ticer

D SB499 Reckless driving; license suspension. Deletes an incorrect Code reference that has existed since the 1974 General Assembly passed the Virginia Driver Improvement Act establishing the uniform demerit point system. The 1974 bill deleted a provision requiring an automatic license revocation for two reckless driving convictions in 12 months; however, a reference to this provision in another section of the Code was not removed.

Patron - Mims

D SB511 Passenger carriers; definition of "minibus." Increases the number of passengers that can be transported by a "minibus" from 16 to 31.

Patron - Mims

Failed

: HB5 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 violation with a civil penalty of \$25.

Patron - Purkey

: HB19 Photo-monitoring systems to enforce traffic light signals. Expands photo-monitoring systems for traffic signal enforcement to all of Virginia instead of specified localities.

Patron - McQuigg

: HB55 Posting of penalties for violations involving transportation of municipal solid waste. Requires all landfills accepting commercial vehicles carrying municipal solid waste to post the penalties for violating the section of the Code that requires that loads not escape from vehicles and that some loads be covered.

Patron - Morgan

: HB61 Over-the-road operation of farm tractors by certain jail prisoners. Allows jail prisoners whose licenses, permits, or privileges to operate motor vehicles have been suspended or revoked, under limited circumstances, to engage in over-the-road operation of farm tractors.

Patron - Louderback

: HB92 Vans. Requires that persons who operate nine-15-passenger vans to transport passengers for or on behalf of any church; school; day care center, program or facility; or any other public or quasi-public entity have a special driver's license endorsement in order to do so. The bill also requires that these vans undergo a safety inspection at least once every six months, instead of once every 12 months. This bill is incorporated into HB 290.

Patron - Shuler

: HB121 Driver's licenses; commercial driver's licenses; learner's permits. Requires that the Department of Motor Vehicles (DMV) send all licenses and learner's permits (whether originals or renewals) by mail to the licensee's or permittee's address as shown in DMV's records, except for initial driver's licenses issued to youthful licensees by juvenile and domestic relations district court judges under § 46.2-336.

Patron - Albo

: **HB122 Driver's license fees; safe-driving brochure.** Imposes an additional fee of \$0.05 on the initial issuance of every driver's license. This money is to be used to produce a safe-driving brochure that will be given to persons 18 years old or younger when they are issued a driver's license or learner's permit.

Patron - Albo

: **HB155 Mobile infrared transmitters.** Prohibits operation of motor vehicles equipped with mobile infrared transmitters that are used by emergency vehicles to change traffic light signals so as to afford those emergency vehicles the right of way. The bill does not apply to emergency vehicles responding to emergency calls. The provisions of this bill closely parallel the law (§ 46.2-1079) prohibiting use of radar detectors. This bill is incorporated into HB 87.

Patron - Van Yahres

: **HB172 Vehicle registration; vehicles owned by regional jail authorities.** Provides for registration of vehicles owned by regional jail authorities as "local government" vehicles. This bill is incorporated into HB 83.

Patron - Johnson

: **HB233 Special license plates; general registrars.** Relocates authorization of issuance of special license plates for general registrars from § 46.2-746.9 to § 46.2-737. The effect of this change is to exempt these plates from the requirement for submission of at least 350 prepaid applications prior to issuance.

Patron - Cox

: **HB251 Motor vehicle storage charges.** Provides that charges for storage and safekeeping of a motor vehicle for 24 hours or less shall not exceed charges imposed for one day.

Patron - McQuigg

: **HB254 Special license plates; 200th anniversary of the Town of Occoquan.** Authorizes issuance of special license plates commemorating the 200th anniversary of the Town of Occoquan. The provisions of this bill are also contained in SB 21 (Puller).

Patron - McQuigg

: **HB255 Use of certain wireless communication devices by drivers while vehicle is in motion.** Provides that the driver of a motor vehicle is prohibited from using any hand-held wireless communication device while his vehicle is in motion, unless the device is equipped for hands-free operation and the driver is so operating the hands-free equipment.

Patron - Jones, D.C.

: **HB258 Traffic lights.** Provides that drivers of vehicles approaching an intersection controlled by traffic lights that are dark because of power failures or similar causes shall proceed as though the intersection were controlled by all-way stop signs. The provisions of this section do not apply to intersections controlled by traffic lights displaying flashing red or flashing amber signals. This bill is incorporated into HB 777.

Patron - Jones, D.C.

: **HB290 Vans.** Requires that persons who operate nine-15-passenger vans to transport students to, from, or on behalf of any public, private, or parochial school have a special driver's license endorsement in order to do so.

Patron - Griffith

: **HB325 Enforcement of collection of local fees and taxes by DMV.** Provides that the Department of Motor

Vehicles will not charge a fee when the person owing a local tax or fee is an individual who has declared bankruptcy.

Patron - Griffith

: **HB330 Trailer dealers; vehicle inspections.** Authorizes trailer dealers to be designated by the Superintendent of State Police to perform safety inspections on vehicles they offer for sale.

Patron - Griffith

: **HB366 Mobile infrared transmitters.** Prohibits operation of motor vehicles equipped with mobile infrared transmitters that are used by emergency vehicles to change traffic light signals so as to afford those emergency vehicles the right of way. The bill does not apply to emergency vehicles responding to emergency calls. The provisions of this bill closely parallel the law (§ 46.2-1079) prohibiting use of radar detectors. This bill is incorporated into HB 87.

Patron - Rust

: **HB374 Motorcycles; helmets.** Allows certain persons who are more than 21 years old, subject to payment to DMV of a fee of \$1 per year, to ride motorcycles helmet-free. The bill also provides that violations of the "helmet law" (i) are punishable by a civil penalty of \$25, to be paid into the Motorcycle Ride Safety Training Fund; (ii) are not to be assessed demerit points or court costs; (iii) do not constitute negligence and cannot be commented on by counsel in any action for the recovery of damages; (iv) may be charged on the uniform traffic summons form; and (v) are "secondary offenses."

Patron - Lingamfelter

: **HB379 Special license plates; members of the American Legion.** Reauthorizes issuance of special license plates for members of the American Legion by repealing authorization in § 46.2-746.4 and granting new authorization in § 46.2-746.4:01. These plates were authorized by the 1995 Session of the General Assembly, but fewer than 100 sets of these plates are still in use. This reauthorization will enable the Department of Motor Vehicles to accept new applications for these plates.

Patron - Lingamfelter

: **HB383 Commonwealth Vehicle Board.** Establishes an 11-member Board to advise the Department of Motor Vehicles (DMV) and the DMV Commissioner on its programs and operations. The Board is given the power of general control and oversight over the Department's operations, and the Board's approval is required for any expenditure in excess of \$200,000 or any major changes in departmental policies or procedures that impact customer service and departmental efficiency.

Patron - Lingamfelter

: **HB416 Safety inspections; vehicle registration.** Makes passage of a safety inspection a precondition to registration (or registration renewal) for vehicles required to be inspected. This eliminates the need for issuance of safety inspection approval and rejection stickers.

Patron - Lingamfelter

: **HB426 Special license plates; bicycle enthusiasts.** Authorizes the issuance of special license plates to bicycle enthusiasts. These plates would bear the legend: SHARE THE ROAD. This bill is incorporated into HB 964.

Patron - Watts

: **HB427 Special license plates; members and associates of court-appointed special advocacy programs.** Amends present law authorizing issuance of special license

plates to members and associates of the Virginia Court Appointed Special Advocate Association to authorize issuance of special license plates to members and associates of court-appointed special advocate programs, instead.

Patron - Watts

: **HB432 Parking in Fairfax and Arlington Counties.** Grants Fairfax and Arlington Counties power to regulate or prohibit, or both, parking of commercial vehicles. The bill grants specific exception, however, for taxicabs.

Patron - Brink

: **HB476 Driver's licenses; youthful drivers; motorcycle operation only.** Provides that applicants less than 19 years old who apply for licenses valid solely for the operation of motorcycles may be issued such licenses even if they have not completed the behind-the-wheel portion of driver education courses, provided they present evidence of having successfully completed the Basic Ride Course offered through Virginia's Motorcycle Ride Safety Training Program.

Patron - Nixon

: **HB506 Vehicle sound systems; penalty.** Prohibits use of vehicle sound amplification systems that can be heard 50 feet or more from the vehicle. Violations are Class 3 misdemeanors (fine up to \$500).

Patron - Keister

: **HB523 Department of Motor Vehicles; trailer dealers; definitions.** Clarifies that the term "trailer" does not include a "modular building," which is defined as single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, comprised of one or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (§ 36-70 et seq.).

Patron - Hogan

: **HB539 Pedestrians.** Requires motorists to stop for pedestrians crossing highways under certain circumstances.

Patron - May

: **HB540 Safety belt system.** Removes the provision that a citation for a violation of the seat belt law may not be issued unless the officer has another reason to stop the vehicle or arrest the driver; however, the officer is prohibited from searching or inspecting a vehicle, its contents, the driver or a passenger solely because of a violation of the seat belt law.

Patron - May

: **HB591 Administrative license suspension for DUI.** Provides that, if at the time of an alleged DUI offense, the person is awaiting trial on a prior DUI charge or is driving on a suspended license or a restricted license, suspended or restricted because of a prior DUI conviction, the administrative license suspension -- currently, under the law, seven days -- shall remain in effect until the person is tried on the current alleged offense. This bill is incorporated into HB 1136.

Patron - Janis

: **HB597 Special license plates bearing the names, numbers, and color schemes used by professional stock car drivers; fees.** Authorizes the issuance of one or more series of special license plates bearing the name of a specific professional stock car driver and the race car number and color scheme used by that driver. Each driver-specific series developed and issued under this section shall be subject to the requirements of this section. In the event that a race car number, color scheme, or both, change for a driver with a currently

issued series, a new series for that driver may be issued subject to the requirements of this section. The annual fee for these plates will be \$25 in addition to the prescribed fee for state license plates. For each such \$25 fee collected in excess of 1,000 registrations pursuant to this bill, \$15 will be paid annually in equal amounts to the Virginia Economic Development Partnership Authority and the Virginia Department of Business Assistance and used to support their programs related to the Virginia Motor Sports Initiative. This bill incorporates HB 808.

Patron - Dudley

: **HB606 Special license plates.** Reauthorizes the issuance of special license plates bearing the legend: LANGLEY AIR FORCE BASE.

Patron - Gear

: **HB610 Antique motor vehicle license plates.** Allows owners of vehicles for which antique motor vehicle license plates have been issued to transfer those license plates to other vehicles.

Patron - Gear

: **HB634 Special license plates; supporters of the Juvenile Diabetes Research Foundation; fees.** Authorizes the issuance of "revenue sharing" special license plates to supporters of the Juvenile Diabetes Research Foundation. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Juvenile Diabetes Research Foundation to support its programs and activities in Virginia.

Patron - O'Bannon

: **HB649 Improper driving; penalty.** Provides that a person may be charged with the offense of improper driving when his conduct is of the kind that constitutes reckless driving but when his degree of culpability is slight. Currently it is only a lesser included offense of reckless driving.

Patron - Bell

: **HB706 Mopeds.** Provides that mopeds will be considered motorcycles when operated on any highway.

Patron - Ingram

: **HB709 Motor vehicle dealers; temporary certificates of ownership.** Provides that, in transactions where the dealer is not able to provide a certificate of title to the purchaser of a vehicle within 30 days and the purchaser has requested in writing to pay his own fees directly to the Department of Motor Vehicles (DMV), the dealer will not be required to pay any additional fees to DMV for issuance of a second or subsequent temporary certificate of ownership.

Patron - Nutter

: **HB742 Vehicle registration; vehicles owned by regional jail authorities.** Provides for registration of vehicles owned by regional jail authorities as "local government" vehicles. This bill is incorporated into HB 83.

Patron - Stump

: **HB763 Improper driving; penalty.** Provides that a person may be charged with the offense of improper driving when his conduct is of the kind that constitutes reckless driving but when his degree of culpability is slight. Currently it is only a lesser included offense of reckless driving. This bill is incorporated into HB 655.

Patron - Hurt

: **HB773 Failing to pay for motor fuel; penalty.** Provides that any person who drives away without paying for

motor fuel is guilty of larceny. Currently, there is a \$100 civil penalty for such a violation. The bill also provides that the driver's license of such person shall be suspended for at least 60 days, as opposed to the current discretionary 30 days. This bill is incorporated into HB 592.

Patron - McDougle

: **HB778 Special license plates; 350th anniversary of the County of New Kent.** Authorizes the issuance of special license plates commemorating the 350th anniversary of the County of New Kent.

Patron - McDougle

: **HB779 Administrative suspension of license or privilege to operate a motor vehicle.** Provides that in the case of a person who is driving under a restricted license issued pursuant to § 18.2-271 or a person who has been previously charged with a violation of §§ 18.2-36.1, 18.2-51.4, 18.2-266, or § 18.2-266.1, or any substantially similar local ordinance but whose case has not yet gone to trial, such person's license shall be administratively suspended immediately and shall remain suspended until the case that is the subject of the current charge is heard. This bill is incorporated into HB 1136.

Patron - McDougle

: **HB780 Designation of private streets as "highways."** Allows local governing bodies to designate as "highways" the otherwise private streets of residential subdivisions that serve as access to an adjacent residential development.

Patron - McDougle

: **HB808 Special license plates; NASCAR supporters.** Authorizes the issuance of special license plates to supporters of the National Association for Stock Car Auto Racing (NASCAR). The DMV Commissioner, on the basis of agreements for the purchase of distinctive NASCAR driver and general motor sports theme license plates, would purchase these license plates from a supplier or other entity as may be necessary. The design of these license plates would be as mutually agreed to by the Commissioner and supplier of the license plates. The annual fee for these license plates would be \$25 in addition to the prescribed fee for state license plates. For each set of these license plates issued by DMV, an amount to be established by an agreement between the Commissioner and the supplier of the license plates would be paid by the Commissioner to the supplier of the license plates. This bill is incorporated into HB 597.

Patron - Ware, O.

: **HB895 Mobile infrared transmitters.** Prohibits operation of motor vehicles equipped with mobile infrared transmitters that are used by emergency vehicles to change traffic light signals so as to afford those emergency vehicles the right of way. The bill does not apply to emergency vehicles responding to emergency calls. The provisions of this bill closely parallel the law (§ 46.2-1079) prohibiting use of radar detectors. This bill is incorporated into HB 87.

Patron - Bell

: **HB903 Salvage, rebuilt, and repaired vehicles; branded titles.** Requires that titles to salvage/rebuilt vehicles be branded "salvage/rebuilt vehicle," and titles to repaired vehicles be branded "repaired vehicle."

Patron - Wardrup

: **HB917 Vehicle registration; vehicles owned by regional jail authorities.** Provides for registration of vehicles owned by regional jail authorities as "local government" vehicles. This bill is incorporated into HB 83.

Patron - Phillips

: **HB923 Special license plates; Boy Scouts of America.** Authorizes the issuance of special license plates to supporters of the Boy Scouts of America.

Patron - Phillips

: **HB964 Special license plates for bicycle enthusiasts.** Authorizes the issuance of special license plate to bicycle enthusiasts. This bill incorporates HB 426.

Patron - Barlow

: **HB965 Special license plates; U.S. Navy chief petty officers.** Authorizes the issuance of special license plates to persons who are or have been chief petty officers in the U.S. Navy.

Patron - Barlow

: **HB1003 Distribution of the "four for life" fund.** Revises the formula for distribution of the \$4 per year that is charged and collected for registration of motor vehicles by shifting the funds as follows: a reduction of the amount distributed to the Virginia Association of Volunteer Rescue Squads from two and one-half percent to one and one-half percent; an increase of the amount distributed to the State Department of Health to support various programs, training, and other activities from 13 and one-half percent to 30 percent; an increase in the amount distributed to the Rescue Squad Assistance Fund from 31 and three quarters percent to 32 percent; a reduction of the amount available to the State Department of Health for use in emergency medical services from 27 and one-quarter percent to 10 percent; and an increase of the amount returned by the Comptroller to localities from 25 percent to 26 and one-half percent. The State Department of Health's support activities are expanded to include emergency medical services system development initiatives, and priorities based on needs identified by the State Emergency Medical Services Advisory Board; local, regional, and statewide performance contracts for emergency medical services to meet certain objectives set out in statutory law; technology and radio communication enhancements; and improved emergency preparedness and response.

Patron - Orrock

: **HB1074 Failure to obey traffic signs.** Amends the general statute of failure to obey traffic signs (§ 46.2-830) to include the operative provisions of the following section (§ 46.2-830.1), providing for nonassignment of driver demerit points if the violation involved a driver's stopping to sleep or rest on the nontraveled portion of a highway.

Patron - Armstrong

: **HB1110 Special license plates; retired law-enforcement officers.** Authorizes the issuance of special license plates for retired sworn law-enforcement officers.

Patron - Moran

: **HB1170 Special license plates; 275th anniversary of the County of Prince William.** Authorizes the issuance of special license plates commemorating the 275th anniversary of the County of Prince William.

Patron - Frederick

: **HB1197 Driver's licenses; vision tests.** Requires applicants for driver's licenses or renewal of their driver's licenses to pass a vision test if they are 80 years old or older. The bill also requires the Department of Motor Vehicles to study the effects of aging on driving ability, for the purpose of developing a comprehensive approach to licensing drivers. This bill is incorporated into HB 257.

Patron - Scott, J.M.

: **HB1220 Impoundment of motor vehicle for driving while license suspended.** Provides that a motor vehicle may be seized and impounded for any offense of driving with a suspended license. Currently, only specified offenses qualify for impoundment. The impoundment would continue for the duration of the driver's license suspension period. Currently, the impoundment is limited to 30 days. This bill is incorporated into HB 1130.

Patron - Spruill

: **HB1221 Penalties for second DUI conviction.** Provides that a person's operator's license shall be suspended for no less than five and as many as 10 years, and that his motor vehicle may be seized and impounded, for a second or subsequent DUI conviction. The vehicle would remain impounded for the duration of the driver's license suspension period unless retrieved by an owner. This bill is incorporated into HB 1136.

Patron - Spruill

: **HB1259 Driving with special license plates after conviction of DUI.** Requires persons convicted of drunk driving who have registered motor vehicles in Virginia to use red license plates with white letters and numbers. This bill is incorporated into HB 990.

Patron - Bland

: **HB1275 Special license plates; members of the Virginia General Assembly.** Provides that General Assembly members' special license plate numbers will be the same as their House or Senate district number.

Patron - Moran

: **HB1285 Special license plates; supporters of Project Lifesaver.** Authorizes the issuance of special license plates to supporters of Project Lifesaver.

Patron - Hogan

: **HB1295 Special license plates; Mothers Against Drunk Driving; fees.** Authorizes the issuance of "revenue sharing" special license plates to supporters of Mothers Against Drunk Driving. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other non-revenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to Mothers Against Drunk Driving to support its programs and activities in Virginia.

Patron - Reid

: **HB1319 Driver's licenses; licensee's address.** Requires that every driver's license contain the licensee's residence address.

Patron - Louderback

: **HB1387 Operation and Safety Inspections.** Relates to operation and safety inspections of certain vans.

Patron - Griffith

: **HB1411 Safety belts.** Exempts video broadcast reporters while operating cameras or other video recording devices from having to wear motor vehicle safety belts.

Patron - Armstrong

: **HB1442 Nonrepairable vehicles.** Provides that a late model vehicle that has been damaged and whose estimated cost of repair exceeds 90 percent of its actual cash value prior to damage is not to be deemed a nonrepairable vehicle if, following completion of repairs to the vehicle, the vehicle is

inspected by the Department of Motor Vehicles and found to be safe to be operated on the public highways.

Patron - Hurt

: **HB1446 Special license plates; Interdenominational Children's Foundation of Virginia.** Reauthorizes the issuance of special license plates for supporters of the Interdenominational Children's Foundation of Virginia. This legislation was originally passed in 2003 (Chapter 972, 2003 Acts of Assembly).

Patron - Howell, A.T.

: **HB1449 Safety inspections.** Exempts vehicles manufactured for the current or immediately preceding model years from safety inspections, provided their odometers show they have been driven no more than 50,000 miles. This exemption does not, however, apply to inspections required to be performed by dealers prior to sale of any vehicle.

Patron - Oder

: **HB1457 Special license plates; members of the District of Columbia Air National Guard.** Authorizes the issuance of special license plates to members of the District of Columbia Air National Guard.

Patron - Cline

: **SB16 Special license plates; children with special needs; fees.** Authorizes the issuance of "revenue sharing" special license plates bearing the legend: CHILDREN WITH SPECIAL NEEDS. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other non-revenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to Snap4kids to support its programs and activities in Virginia. This bill is incorporated into SB 21.

Patron - Miller

: **SB41 Special license plates; supporters of the Canine Health Foundation; fees.** Authorizes the issuance of "revenue sharing" special license plates to supporters of the Canine Health Foundation. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Canine Health Foundation to support its programs and activities in Virginia. This bill is incorporated into SB 21.

Patron - Howell

: **SB42 Special license plates; supporters of the Washington D.C. United soccer team.** Reauthorizes issuance of special license plates to supporters of the Washington D.C. United soccer team. These plates were originally authorized in 1997, but the authorization was repealed in 2002, after insufficient prepaid orders were received to permit actual issuance of the plates. This bill is incorporated into SB 21.

Patron - Howell

: **SB52 Special license plates; POW/MIA logo.** Reauthorizes issuance of special license plates bearing the POW/MIA logo. These plates were originally authorized by the 2000 Session, but insufficient applications were made to DMV for the plates to actually go into production. This bill is incorporated into SB 21.

Patron - Puller

: **SB53 Special license plates; barbershop quartet singing enthusiasts.** Authorizes the issuance of special license plates to barbershop quartet singing enthusiasts. This bill is incorporated into SB 21.

Patron - Puller

: **SB189 Speed limits.** Sets the speed limit for non-surface treated roads at 35 mph, unless otherwise posted.

Patron - Reynolds

: **SB258 Special license plates to encourage participation in the organ donor program.** Authorizes the issuance of special license plates that encourage Virginia-licensed drivers to participate in the organ donor program. This bill is incorporated into SB 21.

Patron - Hawkins

: **SB306 Drivers under 19 years old.** Provides that drivers less than 19 years old whose license or privilege to drive has been suspended can obtain restricted licenses that allow them to drive between their homes or schools and their places of employment. Presently these restricted licenses only allow driving between homes and places of employment.

Patron - O'Brien

: **SB340 Special license plates; Blue Ridge Parkway Foundation; fees.** Authorizes the issuance of "revenue sharing" special license plates to supporters of the Blue Ridge Parkway Foundation. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other non-revenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Blue Ridge Parkway Foundation to support its programs and activities in Virginia. This bill is incorporated into SB 21.

Patron - Edwards

: **SB342 Cranes.** Exempts self-propelled cranes that weigh more than 47,000 pounds from registration as motor vehicles. The bill also provides that these cranes are not motor vehicles for the purpose of the motor vehicle dealer licensure laws. This bill is incorporated into SB 387.

Patron - Williams

: **SB360 Special license plates; 275th anniversary of the County of Prince William.** Authorizes the issuance of special license plates commemorating the 275th anniversary of the County of Prince William. This bill is incorporated into SB 21.

Patron - Colgan

: **SB380 Driver's license reinstatement fee.** Increases the fee for reinstatement of a suspended or revoked driver's license from \$30 to \$60.

Patron - Puller

: **SB445 Special license plates; supporters of Virginia agriculture; fees.** Authorizes the issuance of "revenue sharing" special license plates to supporters of Virginia agriculture. 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 Office of Farmland Preservation to support its programs and activities in Virginia. This bill is incorporated into SB 21.

Patron - Rerras

: **SB451 Pedestrians.** Requires motorists to stop for or yield the right-of-way to pedestrians crossing highways under certain circumstances.

Patron - Whipple

: **SB581 Use of certain wireless communication devices by drivers while vehicle is in motion.** Provides that, except in an emergency, the driver of a motor vehicle is prohibited from using any hand-held wireless communication device

while his vehicle is in motion, unless the device is equipped for hands-free operation and the driver is so operating the hands-free equipment. Violations are traffic infractions punishable by a fine of \$100.

Patron - Ticer

Carried Over

7 HB194 Registration of military vehicles. Provides for optional permanent registration of military vehicles.

Patron - Black

7 HB271 Golf carts. Authorizes the operation of golf carts on the easternmost half mile of Virginia Route 712 (Robins Point Avenue) in Middlesex County, provided they are driven by persons who are at least 16 years old, display a slow-moving vehicle emblem, and have not had their engine horsepower increased beyond manufacturer's specifications.

Patron - Morgan

7 HB370 Photo-red. Repeals the July 1, 2005, "sun-set" on "photo-red" traffic light signal enforcement programs in Virginia.

Patron - Rust

7 HB376 Motor vehicle dealers. Requires the Commissioner of the Department of Motor Vehicles to enter into an agreement with the Motor Vehicle Dealer Board, pursuant to which motor vehicle dealers may act as agents of the Commissioner in issuing and renewing motor vehicle titles and registrations.

Patron - Lingamfelter

7 HB452 Leaving children unattended in motor vehicles. Prohibits leaving children who are eight years old or younger unattended in motor vehicles by persons who are at least 14 years old. First offenses are Class 4 misdemeanors. Courts may require persons convicted of violations to attend educational programs in lieu of other penalties.

Patron - McQuigg

7 HB697 Event data recorders; vehicle manufacturers; disclosure. Requires a manufacturer of a new motor vehicle sold or leased in the Commonwealth that is equipped with one or more recording devices, commonly referred to as "event data recorders" (EDR) or "sensing and diagnostic modules" (SDM), to disclose that fact in the owner's manual for the vehicle. The bill would prohibit specified data that is recorded on a recording device from being downloaded or otherwise retrieved by a person other than the registered owner of the motor vehicle, except under specified circumstances. The bill would also require a subscription service agreement to disclose that specified information may be recorded or transmitted as part of the subscription service. The bill applies to all motor vehicles manufactured on or after July 1, 2004.

Patron - Morgan

7 HB756 Vehicle registration; members of volunteer fire departments and volunteer rescue squads. Allows persons who are certified to have been members in good standing of volunteer fire departments and volunteer rescue squads for at least 10 years to register one vehicle owned or leased by them free of charge. Such registrations would be permanent.

Patron - Hurt

7 HB991 Motorcycle dealers. Repeals the requirement that no new or additional motorcycle dealer franchise can be established in any locality unless the manufacturer, factory branch, distributor, distributor branch, or factory or distributor

representative gives advance notice to existing franchised dealers of the same line-make.

Patron - Hugo

7 HB1118 Special license plates; liberty penguin. Authorizes the issuance of special license plates whose design incorporates the image of a liberty penguin.

Patron - Weatherholtz

7 HB1131 Driving while license, permit, or privilege to drive suspended or revoked. Provides that any person who is found to have unreasonably refused to provide a blood or breath sample when stopped for driving while intoxicated and who is at the same time driving on a suspended license for a prior conviction of any of the drunk driving statutes shall be punished by a mandatory minimum term of confinement in jail of 90 days. Additionally, upon conviction, any license suspension for the unreasonable refusal shall run consecutively with any existing license suspension.

Patron - McDonnell

7 HB1249 "Out-of-service" inspections. Requires local law-enforcement agencies to report to the State Police vehicles that have been ordered out of service as the result of "out-of-service" inspections by local law-enforcement officers. State Police is to collect these reports and pass them along, together with similar information on vehicles taken out of service by State Police officers, to the Federal Motor Carrier Administration's Safer System.

Patron - Scott, J.M.

7 HB1310 Headlights. Requires that vehicle headlights be lit whenever the vehicle is traveling on a two-lane undivided highway with two-way traffic.

Patron - Hull

7 HB1406 Emissions inspections. Exempts from emissions inspections vehicles owned by persons who are 65 years old or older, if the owner certifies in writing to the Director of the Department of Environmental Quality that the vehicle is driven no more than 2,300 miles a year.

Patron - Plum

7 SB79 Mopeds. Provides that the phrase "motor vehicle or any self-propelled machinery or equipment" includes mopeds. This has the effect of disallowing operation of mopeds by persons whose driver's licenses are suspended or revoked.

Patron - Obenshain

7 SB88 Trailer dealers. Exempts trailer dealers whose principal place of business is located in Fairfax County and who sell trailers primarily through a searchable database on an Internet website from requirements that they satisfy all local zoning requirements and that they have sufficient display space for at least 10 trailers.

Patron - Howell

7 SB92 Photo-monitoring systems to enforce traffic light signals. Expands photo-monitoring systems for traffic signal enforcement to all of Virginia instead of specified localities. Several additional provisions specify where, when, and how these systems are to be used.

Patron - Devolites

7 SB132 Photo-red. Allows the City of Roanoke to have a "photo-red" traffic light signal enforcement system. The bill also prohibits payment to private entities based on the number of violations detected.

Patron - Edwards

7 SB176 Use of photo-monitoring systems to enforce traffic light signals. Provides that no locality may begin operation of a traffic light photo-monitoring system after June 30, 2005. The bill eliminates the expiration of the test program (July 1, 2005) and effectively allows those localities with it already in place at that time to continue it. The bill also prohibits payment to private entities based on the number of violations detected.

Patron - Stolle

7 SB235 Motor vehicle safety belts. Makes safety belt violations primary offenses. The bill also provides that a law-enforcement officer may not search or inspect a motor vehicle, its contents, the driver, or a passenger solely because of a safety belt violation, unless supported by probable cause or consent.

Patron - Norment

7 SB418 Disposition of unattended, immobile, and recovered stolen vehicles. Establishes procedures for the disposition of unattended, immobile, and recovered stolen vehicles.

Patron - Wagner

7 SB487 Driver eligibility certificates. Makes issuance of a learner's permit or driver's license to a minor contingent upon possession of a driver eligibility certificate issued by the relevant public or private school principal or homeschool parent or tutor. The driver eligibility certificate is to indicate good academic standing (passing three of four courses in a semester) and regular attendance. The principal or parent issuing the certificate is to notify the Department of Motor Vehicles (DMV) if the student is no longer in good academic standing, and DMV is to revoke the relevant license or permit until the certificate is restored. The Department shall develop guidelines specifying those circumstances of hardship under which applicants who cannot present a driver eligibility certificate may be issued a driver's license. In addition, the bill directs DMV to suspend for one year the license or learner's permit, as the case may be, when the minor student has been (i) suspended for more than 10 consecutive days or expelled from public or private school for violations of school policies addressing alcohol, illegal substances, weapons, or physical assault upon a teacher or other school personnel or (ii) assigned to alternative education for more than 10 consecutive days for such violations. The principal or other administrative authority is to notify DMV of these expulsions, suspensions, and placements.

Patron - Obenshain

Pensions, Benefits and Retirement

Passed

D HB16 Optional supplemental health insurance credit for retired state employees. Repeals the optional supplemental health insurance credit for retired state employees that has not become effective because the Internal Revenue Service has not affirmatively ruled that such a plan could be treated as a qualified plan for federal income tax purposes. This bill is a recommendation of the Joint Subcommittee to Study the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002).

Patron - Miles

D HB163 Retirement health insurance credits. Clarifies that retirees under the state optional and alternative retirement plans are eligible for the health insurance credits provided to state retirees.

Patron - Putney

D HB199 Group life and accident insurance for state and local employees. Provides an employee who has at least 20 years of creditable service with life insurance benefits equal to twice the amount of his highest annual salary, and provides a retiree, who retired with at least 20 years of creditable service, and then returns to work in a covered position, with life insurance equal to the greater of twice his highest salary or the amount he would have been eligible for had he remained retired. The bill does not apply to eligible employees who retired or retire on or after July 1, 1999, provided that such employees are alive on or after July 1, 2004.

Patron - Tata

D HB200 Virginia Retirement System; overpayments. Permits the Virginia Retirement System ("VRS") to recoup overpayments of benefits paid under programs administered by VRS, from benefits paid under the VRS Group Insurance Plan.

Patron - Tata

D HB201 Virginia Retirement System benefits; payment to successor of decedent by affidavit. Permits benefits to be paid to a person claiming to be the successor of a deceased member upon his filing an affidavit certifying, among other things, that the value of the entire personal probate estate does not exceed the maximum value of such estate allowed to be processed by affidavit under the Virginia Small Estate Act (currently \$15,000). Under current law Virginia Retirement Benefits cannot be paid under such conditions if the value of the entire personal probate estate exceeds \$10,000.

Patron - Tata

D HB334 Retirement; law-enforcement officers. Provides that law-enforcement officers in service on June 30, 2002, and July 1, 2002, with five or more years of creditable service are not required to serve at least five years as a member under a specific retirement system in order to receive maximum retirement benefits. The five-year requirement for service as a member under a specific retirement system was enacted by the 2002 Session of the General Assembly. The bill contains an emergency clause.

Patron - Pollard

D HB356 Retirement; health insurance credits for retired school superintendents. Provides that school superintendents who retire pursuant to the alternative defined contribution plan shall receive the same health insurance credit benefits afforded to retired teachers.

Patron - Putney

D HB551 Government Employees Deferred Compensation Plan Act; collection of administrative fees by political subdivisions. Permits participating political subdivisions to collect administrative fees imposed by the Virginia Retirement System from participating employees.

Patron - May

D HB576 Enhanced compensation and retirement benefits for certain employees of local public school boards. Authorizes local school boards to employ turnaround specialists to address conditions at a public school that may impede educational progress and effectiveness and academic success. The bill also authorizes local school boards to offer increased

retirement benefits and compensation to turnaround specialists and licensed instructional personnel teaching in a subject matter in grades six, seven, or eight under a middle school critical shortage program adopted by the State Board of Education.

Patron - Hamilton

D HB699 Virginia Sickness and Disability Program; long-term disability benefits; state employees. Requires employees, as a condition to receiving long-term disability benefits under the Virginia Sickness and Disability Program, to apply for Social Security disability benefits unless they are otherwise directed.

Patron - Ingram

D HB700 Virginia Sickness and Disability Program; suspension of eligibility. Clarifies that an employee is ineligible to participate in the Virginia Sickness and Disability Program during any period of nonpay status due to suspension pending investigation or outcome of employment-related court action.

Patron - Ingram

D HB701 Sickness and Disability Program for state employees. Clarifies that when an employee receives long-term disability benefits and returns to active employment in any position, not just the same position he previously held, then any succeeding period of disability shall constitute a new period of disability.

Patron - Ingram

D HB702 Virginia Sickness and Disability Program; actuary. Clarifies that the actuary authorized to recommend certain benefit adjustments is the actuary of the Virginia Sickness and Disability Program, instead of the actuary of the Virginia Retirement System.

Patron - Ingram

D HB703 Virginia Sickness and Disability Program; collection of disability overpayments. Permits the Board of Trustees of the Virginia Retirement System to collect overpayments of disability benefits from any payments due the disabled member's survivor and beneficiaries. Under current law the Board is authorized to make such collections from payments due directly to the disabled member.

Patron - Ingram

D HB1171 Rehiring of retired teachers; designation of critical need areas. Directs local school boards to annually survey their respective divisions to identify critical shortages of teachers and administrative personnel by subject matter, and report such critical shortages to the Superintendent of Public Instruction and to the Virginia Retirement System (VRS). The school board may delegate this duty to the division superintendent. Retired persons rehired as teachers and administrators for such identified shortage positions may elect to continue to receive VRS benefits. Under current law, only the Superintendent of Public Instruction is empowered to identify the critical shortage areas; this authority expires on July 1, 2005. Similarly, additional enactment clauses create a corresponding July 1, 2005, sunset for this bill, and an emergency clause makes it effective upon final passage.

Patron - Dillard

D HB1179 Long-term care insurance. Requires the Department of Human Resource Management to develop and implement a long-term care insurance plan for state employees and for any person who has five or more years of creditable service in any retirement plan administered by the Virginia Retirement System whether or not such person is employed by an employer participating in the Virginia Retirement System,

and whether or not such person is receiving retirement benefits.

Patron - Bryant

D SB174 Judicial Retirement System; technical correction. Makes a technical correction to the maximum credit that a former judge may transfer to the Virginia Retirement System when he accepts a nonjudicial position covered by the Virginia Retirement System.

Patron - Stolle

D SB311 Virginia Law Officers' Retirement System. Classifies service rendered as an employee under the Virginia Law Officers' Retirement System as service rendered in a hazardous position for purposes of retirement benefits under or pursuant to the State Police Officers' Retirement System. The bill applies to persons retiring on or after October 1, 1999.

Patron - Hawkins

D SB540 Virginia Retirement System; defined contribution plan. Permits an employee who moves from a position covered under the Virginia Retirement System's ("VRS") defined contribution plan to a position covered under a different VRS retirement program to use his own funds to purchase service time in the new program if the amount in his defined contribution plan account is insufficient to pay the actuarial cost of the total time worked in the prior position.

Patron - Stosch

D SB541 Virginia Retirement System; employer in default. Clarifies the process to occur when an employer becomes financially unable to make contributions to the Virginia Retirement System on behalf of its employees.

Patron - Stosch

D SB599 State and local retirement systems; electronic communication. Permits the Virginia Retirement System and certain local retirement systems to communicate required information to members and beneficiaries through electronic media.

Patron - Lambert

D SB628 Virginia Sickness and Disability Program. Precludes payment of short-term disability benefits for elective medical procedures, including surgery, during an initial six-month probationary period without (i) certification by the program administrator and (ii) coordination of the required leave of absence between the employee and employer. Current law provides such coverage beginning the first day of employment. The provisions do not apply to short-term disability benefits for which payment began prior to July 1, 2004.

Patron - Devolites

Failed

: HB18 Virginia Law Officers' Retirement System. Adds sworn employees of the Enforcement Division of the Division of Motor Vehicles to membership in the Virginia Law Officers' Retirement System.

Patron - Parrish

: HB84 Retirement; state police officers and certain local law-enforcement officers. Modifies the retirement benefits of state police officers and to certain local law-enforcement officers by (i) increasing from 1.7 percent to 2.7 percent the percentage of average final compensation multiplied by the years of creditable service in such positions, and by deleting the supplemental allowance currently paid to members upon retirement until their Social Security retirement age;

(ii) deleting the minimum age requirement for retirement for members with 25 or more years of service; and (iii) providing that deputy sheriffs employed by political subdivisions participating in the Virginia Retirement System shall receive the same retirement benefits as sheriffs.

Patron - Callahan

: HB111 Virginia Retirement System; purchase of retirement credit for prior service as a substitute teacher. Provides that an employee may purchase retirement credit for prior service as a substitute teacher providing educational instruction to children of military service members in Department of Defense Education Activity schools located outside the United States.

Patron - Van Landingham

: HB135 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

: HB225 Health insurance credit for retired teachers. Increases the health insurance credit for retired teachers to \$4 per month for each year of creditable service with no monthly cap. Under current law, retired teachers with 15 or more years of service are allowed a health insurance credit of \$2.50 per month for each year of creditable service with a cap of \$75 per month. Retired state employees with 15 or more years of service are allowed a health insurance credit of \$4 per month for each year of creditable service with a cap of \$120 per month.

Patron - Shuler

: HB244 Retirement; service credit for state employees when there is no general salary increase. Provides that state employees shall be credited with up to 12 months of additional retirement service credit for each fiscal year that the Commonwealth does not provide a general salary increase. The amount of service credit to be credited to each such employee shall be equal to the number of months that the person was in service as a state employee in the relevant fiscal year, rounded up to the nearest whole month. Local government employees are not eligible to receive the additional service credit. The bill is effective for fiscal years beginning on or after July 1, 2004.

Patron - Nutter

: HB273 State Police Officers' Retirement System. Modifies the retirement allowance paid to state police officers by increasing from 1.7 percent to 2.0 percent the percentage of average final compensation multiplied by the years of creditable service in such positions, and by deleting the supplemental allowance currently paid to members upon retirement until their Social Security retirement age (currently \$9,264 annually). This provision applies to employees who become members of the State Police Officers' System on or after July 1, 2004, and to such current employees who elect to accept the modifications by October 31, 2004.

Patron - Putney

: HB274 Health insurance credits for retired state employees. Removes the monthly credit cap of \$120. The bill is a reenactment of Chapter 909 of the 2003 Acts of Assembly, as such chapter is not effective unless reenacted.

Patron - Putney

: **HB490 Health insurance credits for retired teachers.** Increases the monthly health insurance credit from \$2.50 for each year of creditable service to \$4 and removes the monthly health insurance credit cap of \$75.

Patron - Tata

: **HB500 Virginia Retirement System; benefits.** Increases monthly retirement benefits of certain future retirees by increasing the percentage of average final compensation multiplied by the amount of creditable service from 1.7 to 2.0 for years of service in excess of 25 years for most state employees, and from 2.0 to 2.3 for certain state law-enforcement officers.

Patron - Callahan

: **HB621 State Police Officers' Retirement System.** Changes the retirement benefits under the State Police Officers' Retirement System by increasing the percent of average final compensation that is multiplied by the amount of creditable service from 1.7 to 2.5, and eliminating the supplemental benefit that was payable from the date of retirement until retirement age under the Social Security Act.

Patron - Carrico

: **HB661 Virginia Retirement System; defined contribution plan.** Creates a new defined contribution plan for all employees who enter on or after July 1, 2004, into any position covered by any retirement plan administered by the Virginia Retirement System. The employee has 90 days after entering into such a position to elect to participate in the defined contribution plan or the retirement plan for which he is otherwise eligible.

Patron - Bell

: **HB698 Virginia Sickness and Disability Program; short-term disability benefit.** Changes all references to "maternity leave" to "medical absences due to pregnancy" for purposes of describing one of several events constituting a short-term disability.

Patron - Ingram

: **HB704 Virginia Sickness and Disability Program; health insurance for injured law-enforcement officers.** Provides for payment of the state's portion of the health insurance premiums for law-enforcement officers injured in the line of duty for up to six months of long-term disability under the Virginia Sickness and Disability Program. Payment would commence immediately upon the disabled person's attaining long-term disability status and would continue until a finding that the person could return to work, or a final determination of disability. Under the existing Virginia Sickness and Disability Program, after six months of short-term disability, the disabled employee must pay potentially prohibitive insurance premiums out of pocket until he is able to return to work or is determined permanently disabled. This bill would bridge that gap for a period not to exceed six months.

Patron - Ingram

: **HB711 Virginia Retirement System; benefits.** Increases monthly retirement benefits of state employees by increasing the percentage of average final compensation multiplied by the amount of creditable service from 1.7 to 2.0 for most state employees, and from 2.0 to 2.3 for certain law-enforcement officers.

Patron - Nutter

: **HB860 Virginia Law Officers' Retirement System.** Adds firefighters of the Virginia National Guard Fire and

Rescue as members of the Virginia Law Officers' Retirement System.

Patron - Ingram

: **HB922 Virginia Retirement System membership; Breaks Interstate Park.** Permits members of the Breaks Interstate Park Commission's retirement system to transfer to the Virginia Retirement System. A majority of the members of the Breaks Interstate Park Commission's retirement system must petition for such transfer prior to September 1, 2004.

Patron - Phillips

: **HB1075 Virginia Retirement System; state employees.** Prohibits any reduction of benefits provided by the Commonwealth to retired state employees during any period of their retirement.

Patron - Armstrong

: **HB1115 Virginia Law Officers' Retirement System; deputy sheriffs.** Makes deputy sheriffs members of the Virginia Law Officers' Retirement System under certain conditions, including the election of such by the respective sheriff. Funding for such membership shall be provided by the Compensation Board.

Patron - Weatherholtz

: **HB1229 Virginia Law Officers' Retirement System; Department of Corrections special agents.** Expands the definition of "employee" to include special agents of the Department of Corrections, making such individuals members of the Virginia Law Officers' Retirement System.

Patron - Landes

: **HB1300 Virginia Sickness and Disability Program.** Begins short-term disability coverage for state employees hired on or after July 1, 2004, one year after employment, and begins long-term disability coverage for such employees five years after employment. Current law provides such coverage beginning the first day of employment.

Patron - Waits

: **SB60 Health insurance; credits for retired teachers.** Increases the amount of monthly health insurance credit for retired teachers from \$2.50 to \$4 per year of service. The maximum monthly credit will not exceed \$120.

Patron - Potts

: **SB254 Virginia Retirement System membership; Breaks Interstate Park.** Permits members of the Breaks Interstate Park Commission's retirement system to transfer to the Virginia Retirement System. A majority of the members of the Breaks Interstate Park Commission's retirement system must petition for such transfer prior to September 1, 2004.

Patron - Puckett

: **SB279 Virginia Law Officers' Retirement System.** Provides that managers of political subdivisions that participate in the retirement system shall receive benefits equivalent to those of state police officers, except for the benefits provided under § 51.1-209, regardless of whether the employer has elected to provide equivalent benefits.

Patron - Wampler

: **SB422 Retirement benefits; creditable compensation of certain law-enforcement officers.** Includes in creditable compensation the overtime compensation paid to law-enforcement officers employed full time at an airport in the Commonwealth.

Patron - Wagner

: **SB431 Retirement; service credit for state employees when there is no general salary increase.** Provides that state employees shall be credited with up to 12 months of additional retirement service credit for each fiscal year that the Commonwealth does not provide a general salary increase. The amount of service credit to be credited to each such employee shall be equal to the number of months that the person was in service as a state employee in the relevant fiscal year, rounded up to the nearest whole month. Local government employees are not eligible to receive the additional service credit. The bill is effective for fiscal years beginning on or after July 1, 2004.

Patron - Wagner

: **SB476 Virginia Retirement System; purchase of retirement credit for prior service as a substitute teacher.** Provides that an employee may purchase retirement credit for prior service as a substitute teacher providing educational instruction to children of military service members in Department of Defense Education Activity schools located outside the United States.

Patron - Ticer

Carried Over

7 HB247 Virginia Sickness and Disability Program; appeal of disability benefit determinations. Clarifies the authority of the Board of Trustees of the Virginia Retirement System to develop an appeals process as an alternative to the process set forth in the Administrative Process Act (APA), provided that claimants under the process have the right to (i) appear in person or by counsel, (ii) have notice of contrary facts in possession of the Board that can be relied upon in making an adverse decision, (iii) receive a prompt decision, and (iv) be informed in writing of the factual or procedural basis for an adverse decision.

Patron - Petersen

7 HB491 Virginia Retirement System; Virginia Local Sickness and Disability Program. Creates a new optional local sickness and disability program for local employees similar to the program that exists for state employees. The Program is optional at the election of each local employer, with all costs to be borne by the local employer. The bill has a delayed effective date of July 1, 2005, but a pilot program is authorized beginning July 1, 2004.

Patron - Tata

7 HB1121 Virginia Law Officers' Retirement System. Permits any member of the Virginia Law Officers' Retirement System ("VaLORS") who commenced employment on or after July 1, 2001, and who, within 90 days of such employment, was a (i) State Police Officer or a local law-enforcement officer with similar retirement coverage or (ii) a state law-enforcement officer already covered under VaLORS, to elect to choose between two retirement benefit packages. The choice is between receiving the annual supplemental payment from the date of retirement until age 65, or receiving monthly retirement benefits calculated with a "multiplier" of 2.0 percent rather than 1.7 percent. Under current law, such choice was provided only to members who were employed prior to July 1, 2001, all other members were automatically provided the higher multiplier rather than the supplemental payment.

Patron - Weatherholtz

7 SB157 Virginia Retirement System; purchase of prior service credit. Provides that certain local government chief executive officers may purchase an additional 10 years of

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

Patron - Potts

7 SB164 Virginia Law Officers' Retirement System (VALORS). Adds juvenile probation and parole officers as members of VALORS.

Patron - Colgan

7 SB332 State Police Officers' Retirement System. Increases the multiplier for average final compensation from 1.70 to 2.50 and eliminates the additional annual allowance for service rendered in a hazardous position. The bill affects the retirement allowances of state police officers retiring on or after July 1, 2004.

Patron - Stolle

Persons with Disabilities

Passed

D HB12 Advisory Boards for the Virginia Industries for the Blind. Combines the regional advisory boards for the Virginia Industries for the Blind in Charlottesville and Richmond into one state board with a reduced membership. The two existing boards began to conduct joint meetings in 1998 as an efficiency measure, and the joint venture has proved to be successful. Under current law, an advisory board is created for each manufacturing and servicing district established. Because only two service districts currently exist and the Department does not anticipate that any more will be created, the authority of the Board for the Blind and Vision Impaired to establish advisory boards is repealed. This bill is a recommendation of the Joint Subcommittee to Study the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002). This bill incorporates HB 204.

Patron - Cox

D HB354 Assistive Technology Loan Fund Authority; powers. Authorizes the board of directors of the Assistive Technology Loan Fund Authority to borrow money to carry out its statutory purposes and to execute evidences of such indebtedness and to secure the same and to issue negotiable revenue bonds payable solely from funds pledged for that purpose and to provide for the payment of the same and for the rights of the holders thereof. The bill also adds a definition of bonds and contains technical amendments.

Patron - Bryant

Failed

: **HB204** **Advisory Boards for the Virginia Industries for the Blind.** Combines the regional advisory boards for the Virginia Industries for the Blind in Charlottesville and Richmond into one state board with a reduced membership. The two existing boards began to conduct joint meetings in 1998 as an efficiency measure, and the joint venture has proved to be successful. Under current law, an advisory board is created for each manufacturing and servicing district established. Because only two service districts currently exist and the Department does not anticipate that any more will be created, the authority of the Board for the Blind and Vision Impaired to establish advisory boards is repealed. This bill is identical to HB12, which was recommended by the Joint Subcommittee to Study the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002). This bill is incorporated into HB 12.

Patron - Athey

Police (State)

Passed

D HB214 **Amber alert system; issuance of alerts.** Clarifies that the initial decision to make a local or regional Amber Alert is at the discretion of the local or regional law-enforcement officials, but the local or regional law-enforcement officials must provide information regarding the abducted child to the State Police prior to issuing the alert. The initial decision to make a statewide Amber Alert is at the discretion of the State Police.

Patron - Athey

D HB360 **Unclaimed property; sale and disposal by State Police.** Allows the State Police to provide for the sale or use of unclaimed personal property that has been in its possession unclaimed for more than 60 days. "Unclaimed personal property" is defined to include any personal property, other than firearms or other weapons, that (i) belongs to another that has been acquired by a law-enforcement officer pursuant to his duties; (ii) is not needed in any criminal prosecution; (iii) has not been claimed by its rightful owner; and (iv) the State Treasurer has indicated will be declined pursuant to the Uniform Disposition of Unclaimed Property Act. Prior to sale or use of the unclaimed property, the State Police must attempt to notify by mail the rightful owner of the property, receive in writing from the attorney for the Commonwealth that the property is not needed for a criminal prosecution, post on its website for 60 days a description of the property and notice of the time, date, and place of display and sale of the property and publish in a newspaper of general circulation in the locality where the sale is to be held once a week for two successive weeks prior to the sale, a notice that includes the date, time, place of the sale, general description of items to be sold and the State Police website address. The bill also provides for the disposition of funds from such sale into the Literary Fund. Alternatively, the State Police may retain any unclaimed personal property for its own use, or use of other law-enforcement agencies, if that is a more economical alternative to the purchase of a similar item. No claim may be made or any suit initiated for the recovery of the property or the proceeds after one year from the date of sale. The bill also creates a section that allows the State Police to destroy unclaimed firearms or other weapons if it complies

with the notice provisions relating to the disposition of unclaimed personal property set forth above.

Patron - Miles

D HB516 **Commercial motor vehicle safety; hours of service.** Exempts from hours-of-service requirements operators of vehicles engaging in the provision or restoration of utility services when the loss of such service is unexpected, unplanned or unscheduled. This bill contains an "emergency clause" and becomes effective upon its passage.

Patron - Orrock

D SB608 **State Police radio system.** Authorizes the Secretary of Public Safety to finalize and implement the State-wide Agencies Radio System (STARS) contract, consistent with the language in the 2003 budget bill. This includes the authority to acquire sites by eminent domain. STARS is a state-wide radio and data communication system for law enforcement.

Patron - Stolle

D SB634 **Applicant Fingerprint Database.** Requires the State Police to develop a separate fingerprint database for use in criminal background checks for the purpose of allowing agencies and entities who require a criminal background check as a condition of licensure, certification, employment or volunteer service to be advised when an individual who is currently licensed, certified, employed or volunteering is arrested for, or convicted of a criminal offense which would disqualify the individual from his current status. The bill also provides that an entity authorized to submit fingerprints to the database shall not be considered negligent per se in a civil action if it elected not to submit fingerprints.

Patron - Saslaw

Failed

: **HB611** **Virginia State Police; State Police Training and Retention Fund.** Establishes the State Police Training and Retention Fund to create and support programs for the training and retention of state police officers.

Patron - Carrico

Carried Over

7 HB724 **Reporting organized criminal gang membership.** Requires that law-enforcement agencies report known members of organized criminal gangs to the Virginia Criminal Information Network (VCIN) and the National Criminal Information Center (NCIC) as soon as practicable after determining through admission, arrest, incarceration or investigation that a person is a member of an organized criminal gang. Such entries must be validated and maintained pursuant to established VCIN and NCIC policies. The bill also repeals § 16.1-299.2, relating to organized juvenile criminal gang membership.

Patron - Shannon

7 SB225 **Virginia Racial Profiling and Traffic Statistics Reporting Act.** Requires the Superintendent of State Police to require each local and state police officer, during the course of their official duties, to collect certain information pertaining to traffic stops, including the race, ethnicity, color, age and gender of the alleged traffic offender, and to record the specific reason for the stop, whether the person was interrogated, charged or arrested, and whether a written citation or warning was issued. Police officers must also indicate the specific traffic violation committed. Police officers participating in the collection of such traffic data and information have been

granted civil immunity for acts and omissions during the performance of their official duties, absent gross negligence or willful misconduct. The bill also requires the development of a statewide database for collecting, correlating, analyzing, interpreting, and reporting data and information generated through such traffic stop reports. The Superintendent may engage any accredited public institution of higher education in the Commonwealth or an independent body with the experience, expertise, and technical capacity to conduct such research to assist in designing the database, and the collection, analysis, and interpretation of the data. The Superintendent must report the findings and recommendations annually to the Governor, the General Assembly, and the Attorney General and provide copies to each attorney for the Commonwealth. This act expires on July 1, 2008. Previously, this bill was a recommendation of the Joint Subcommittee Studying the Status and Needs of African-American Males in the Commonwealth and the House Committee on Transportation's Special Subcommittee on Racial Profiling and Pretextual Traffic Stops.

Patron - Marsh

Prisons and Other Methods of Correction

Passed

D HB235 State Compensation Board. Requires the State Compensation Board to (i) maintain in the Local Inmate Data System (LIDS) specific data fields for an inmate's country of birth and country of citizenship, (ii) require all jail facilities that are subject to LIDS reporting to complete the additional fields for all inmates housed at such facilities, (iii) annually encourage all jail facilities subject to LIDS reporting to request compensation from the United States Department of Justice State Criminal Alien Assistance Program (SCAAP) for costs associated with incarcerating undocumented aliens; (iv) provide information to all jail facilities on the eligibility requirements to obtain such funds; and (v) monitor local jail participation in the SCAAP program.

Patron - Cox

D HB504 Assessment for courthouse and courtroom security. Broadens the use of the \$5 fee collected by the courts for assessment for courthouse and courtroom security to allow the fee to be used to fund equipment and other personal property to be used in connection with courthouse security, if requested by the sheriff, and not just security personnel as under current law. This bill is identical to SB 214.

Patron - Keister

D HB792 Parenting programs; Department of Correctional Education. Authorizes the Department of Correctional Education to arrange for noncustodial parent offenders committed to the custody of the Department of Corrections to be afforded the opportunity to participate in pre-release parenting programs that include parenting skills training and anger management. The programs must be administered by the Department directly or by contract and must include integration with transitional programs and other programs for offenders as appropriate. The individuals may be required to establish, reestablish, or maintain family ties and communications in order to continue to participate in the programs. A pre-release parenting program may be part of an offender's treatment program. The provisions of this bill will not become effective unless an appropriation of general funds effectuating

the purposes of the bill is included in the appropriation act and signed into law by the Governor. This bill is identical to SB 98.

Patron - Watts

D HB1042 State correctional facilities; private contracts. Provides that on or after July 1, 2004, no new prison financing, site selection, acquisition, construction or maintenance, leasing, management or operation of a new prison facility shall be commenced unless based upon a written analysis of the benefit to the Department of Corrections, including an analysis of the costs and benefits of utilizing the Correctional Private Management Act (§ 53.1-261 et seq.) or the Public-Private Education Facilities and Infrastructure Act (§ 56-575.1 et seq.).

Patron - Saxman

D SB98 Parenting programs; Department of Correctional Education. Authorizes the Department of Correctional Education to arrange for noncustodial parent offenders committed to the custody of the Department of Corrections to be afforded the opportunity to participate in pre-release parenting programs that include parenting skills training and anger management. The programs must be administered by the Department directly or by contract and must include integration with transitional programs and other programs for offenders as appropriate. The individuals may be required to establish, reestablish, or maintain family ties and communications in order to continue to participate in the programs. A pre-release parenting program may be part of an offender's treatment program. The provisions of this bill will not become effective unless an appropriation of general funds effectuating the purposes of the bill is included in the appropriation act and signed into law by the Governor. This bill is identical to HB 792.

Patron - Devolites

D SB214 Assessment for courthouse and courtroom security. Broadens the use of the \$5 fee collected by the courts for assessment for courthouse and courtroom security to allow the fee to be used to fund equipment and other personal property to be used in connection with courthouse security, if requested by the sheriff, and not just security personnel as under current law. This bill is identical to HB 504.

Patron - Edwards

D SB389 Jails; good time policies. Clarifies that it is the responsibility of each individual jailer to determine the manner in which discretionary additional credits are awarded for institutional work assignments, participation in classes and local work force programs. The jailer is required to have written policy stating the criteria for and conditions of the credits. The bill does not change the rate of five days for every 30 days served.

Patron - Norment

D SB448 Interstate Compact for the Supervision of Adult Offenders. Establishes a new interstate compact to replace the existing Compact. The former Compact (Out of State Supervision of Parolees or Probationers, 1937) will stay in effect to deal with those states that do not adopt the new Compact. The Compact takes effect on the later of July 1, 2004, or the date that 35 states adopt it. Under the new Compact, an Interstate Commission is created. The Commission's duties include establishing uniform procedures to manage the movement of adult offenders under community supervision between participating states; ensuring the opportunity for input and providing a timely notice to victims and jurisdictions where offenders are authorized to travel or relocate across state lines; establishing a uniform data collection system; monitoring compliance of interstate movement of offenders and initiat-

ing interventions to address noncompliance; and coordinating training programs regarding interstate movement for officials involved in such activities. Each Compacting State is responsible for supervision of adult offenders in its communities who are authorized by the Compact to travel across state lines. Such responsibilities include tracking the location of offenders, transferring supervision, and returning offenders to originating jurisdictions. The bill also creates a council to oversee the operations of the Compact within Virginia.

Patron - Rerras

D SB516 Property conveyance; former Staunton Correctional Center. Authorizes the Governor to convey the former Staunton Correctional Center, upon consultation with the Attorney General, for fair market value.

Patron - Hanger

D SB615 State correctional facilities; stores. Provides that a portion of the profits from stores or commissaries within correctional facilities may be expended for pre-release and post-release reentry and transition services. Currently, the profits are used for recreational and educational purposes and other purposes beneficial to the inmates. This bill incorporates SB 613.

Patron - Bell

Failed

: HB112 State Board of Corrections; composition; jurisdiction. Increases the size of the State Board from nine members to 12 members (the quorum being seven instead of five). The bill requires that the members include three community leaders, three elected officials, three members of the medical profession and three citizens with an immediate family member incarcerated within the Commonwealth of Virginia. The bill also empowers the State Board to enter and inspect state correctional facilities at any time.

Patron - Van LANDINGHAM

: HB245 Assessment for courthouse and courtroom security. Broadens the use of the \$5 fee collected by the courts for assessment for courthouse and courtroom security to funding all courthouse security, not just security personnel.

Patron - Nutter

: HB259 Discharge of prisoner; required records to be provided to prisoner upon release. Requires the Director of the Department of Corrections to provide each prisoner with the following documents upon discharge: (i) the prisoner's medical records, including copies of current prescriptions and a physician's summary of continuing or pending medical treatment; (ii) verification of the prisoner's work history while in custody; and (iii) verification of all educational and treatment programs completed by the prisoner while in custody.

Patron - Jones, D.C.

: HB362 Good conduct allowance; mandatory functional literacy requirement. Provides for good conduct allowance for prisoners depending on their performance and conduct in which escalating credits toward good conduct allowance are available in four class levels. The highest level available is 50 percent credit for those prisoners with exemplary behavior and who have earned or are making progress toward earning their general educational development (GED) certificate.

Patron - Miles

: HB457 Assessment for courthouse and courtroom security. Broadens the use of the \$5 fee collected by the courts for assessment for courthouse and courtroom security to funding all courthouse security, not just security personnel. This bill is incorporated into HB 504.

Patron - Athey

: HB670 Good conduct credit. Provides that no good conduct credit is earned for any day on which a prisoner was under the influence of alcohol or illegal drugs. An arrestee is presumed to be under the influence of alcohol or illegal drugs for the first 24 hours following his arrest for driving under the influence.

Patron - Bell

: HB1140 Courthouse security fee. Allows the funds from the courthouse security fee to be used for equipment related to courthouse security. This bill is incorporated into HB 504.

Patron - McDonnell

: HB1400 Telephone systems within correctional facilities. Requires each state, local and regional correctional facility to offer debit telephone systems, in addition to any existing collect calling system, which allow telephone calls to be placed to an incarcerated person's children in order to encourage healthy bonds between the incarcerated parents and their children.

Patron - Ebbin

: SB43 Residential community programs. Requires the Department of Corrections to give nonviolent prisoners who have not been sentenced upon a conviction of murder in the first degree, rape in violation of § 18.2-61, forcible sodomy, animate or inanimate object sexual penetration or aggravated sexual battery or sentenced to a term of life imprisonment or two or more life sentences the opportunity to participate in a residential community program, work release, or a community-based program. Current law requires that the prisoner not be convicted of any violent crime and be sentenced to at least three years. The bill also restricts the cost of keep to up to 30 percent of gross earnings.

Patron - Miller

: SB474 Mandatory release on parole. Provides that a prisoner whose parole is revoked on a technical violation is not required to serve the minimum six months. Under this bill, the prisoner would receive credit for good time if the parole violation was technical, but not if the violation involved a new and subsequent charge. This bill is incorporated into SB 658.

Patron - Ticer

: SB613 Prisons and correctional facilities; stores. Requires that a portion of the profits from inmate canteen or stores within correctional facilities be expended for employment and housing assistance for inmates, prerelease and postrelease. Currently, the profits are used for recreational and educational purposes and other purposes beneficial to the inmates. This bill is incorporated into SB 615.

Patron - Ticer

: SB658 Mandatory release on parole. Provides that a prisoner whose parole is revoked on a technical violation is not required to serve the minimum six months. Under this bill, the prisoner would receive credit for good time if the parole violation was technical, but not if the violation involved a new and subsequent charge. "Technical violation" means any failure to adhere to conditions of parole that is not deliberate

defiance of those conditions or does not constitute further criminal conduct or both. This bill incorporates SB 474.

Patron - Quayle

Carried Over

7 HB150 Jail fees paid by those convicted of crimes. Provides that a sheriff or jail superintendent may charge an inmate convicted of a criminal offense, for each night spent in the facility, an amount equal to the average annual cost to house an inmate for one day at that facility, or he may charge \$70 per day, whichever is less. The bill also provides that the sheriff or jail superintendent may not charge the inmate for more than five nights, or \$350, whichever is less. The charge is based upon the 2002 average annual, statewide cost of housing a jail inmate of \$67.19.

Patron - Albo

7 HB223 Residential community programs. Requires the Department of Corrections to give nonviolent prisoners who have not been sentenced upon a conviction of murder in the first degree, rape in violation of § 18.2-61, forcible sodomy, animate or inanimate object sexual penetration or aggravated sexual battery or sentenced to a term of life imprisonment or two or more life sentences the opportunity to participate in a residential community program, work release, or a community-based program. Current law requires that the prisoner not be convicted of any violent crime and be sentenced to at least three years. The bill also restricts the cost of keep to up to 30 percent of gross earnings.

Patron - Shuler

7 HB673 Organization of regional jail board. Provides that only a sheriff shall be eligible to be chairman of a regional jail board.

Patron - Bell

7 HB790 Reading for Good Time. Establishes a Reading for Good Time credits program in which inmates can receive additional good conduct allowance for reading and passing examinations on such material. Good conduct allowance is applied to reduce the person's maximum term of confinement in any state correctional facility.

Patron - Watts

7 HB815 Department of Corrections; prisoner visitation. Requires the Department of Corrections to provide for family friendly visitors' areas.

Patron - Eisenberg

7 HB1306 State Police; executive protective services. Provides for the State Police to render executive protective services to the Governor, his immediate family for certain events or periods of time, and to government officials for certain events or periods of time. The bill exempts from public access information related to plans or resources used to provide such services.

Patron - Miles

7 HB1384 Inmate workers; court orders allowing work. Provides that the circuit or district court of any county or city may enter an order allowing a person confined in a jail operated by that city or county to work on state, county, city, or town property, certain private property, or nonprofit organization property. Currently, the law only allows the courts to enter such orders for persons confined in a jail of that city or county. The amendment would clarify that a court in one county or city could enter such an order for a person confined in a facility

operated by that county or city, but that is physically located in another jurisdiction.

Patron - McDougle

7 SB75 Good conduct allowance; mandatory functional literacy requirement. Provides for good conduct allowance for prisoners depending on their performance and conduct in which escalating credits toward good conduct allowance are available in four class levels. The highest level available is 50 percent credit for those prisoners with exemplary behavior and who have earned or are making progress toward earning their general educational development (GED) certificate.

Patron - Marsh

7 SB82 Restoration of right to vote. Provides that a person convicted of a felony for the distribution of marijuana or possession with the intent to distribute marijuana where the amount of marijuana was five pounds or less, who completed his sentence at least 10 years previously and has no other criminal convictions can petition for restoration of his civil right to be eligible to vote. The existing Code requirement of the demonstration of civic responsibility through community or comparable service will apply. In addition, the applicant must go through the procedure established by the Governor, who will determine whether to grant the petition.

Patron - Puller

7 SB83 Residential community programs. Requires the Department of Corrections to give nonviolent prisoners who have not been sentenced upon a conviction of murder in the first degree, rape in violation of § 18.2-61, forcible sodomy, animate or inanimate object sexual penetration or aggravated sexual battery or sentenced to a term of life imprisonment or two or more life sentences the opportunity to participate in a residential community program, work release, or a community-based program. Current law requires that the prisoner not be convicted of any violent crime and be sentenced to at least three years. The bill also restricts the cost of keep to up to 30 percent of gross earnings.

Patron - Puller

7 SB89 Reading for Good Time. Establishes a Reading for Good Time credits program in which inmates can receive additional good conduct allowance for reading and passing examinations on such material. Good conduct allowance is applied to reduce the person's maximum term of confinement in any state correctional facility.

Patron - Marsh

7 SB441 State Board of Corrections; composition; jurisdiction. Increases the size of the State Board from nine members to 12 members (the quorum being seven instead of five). The bill requires that the members include three community leaders, three elected officials, three members of the medical profession and three citizens with an immediate family member incarcerated within the Commonwealth of Virginia. The bill also empowers the State Board to enter and inspect state correctional facilities at any time.

Patron - Locke

Professions and Occupations

Passed

D HB7 Advisory Board on Rehabilitation Providers. Abolishes the Advisory Board on Rehabilitation Providers. The advisory board was created in 1994 (i) to recommend to

the Boards of Counseling; Medicine; Nursing; Psychology; and Social Work regulatory criteria for the voluntary certification of their licensees who provide rehabilitation services and for standards of conduct of licensees so certified and (ii) to recommend to the Board of Counseling regulatory criteria for certification and for standards of professional conduct of persons who provide rehabilitative services but who are exempt from licensure as professional counselors. The advisory board has not met since the development of initial regulations. The activities of the advisory board are currently subsumed within the Board of Counseling, which has the authority to form ad hoc advisory groups should the need arise for additional expertise. This bill is a recommendation of the Joint Subcommittee to Study the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002).

Patron - Cox

D HB8 Advisory Committee on Certified Practices. Abolishes the Advisory Committee on Certified Practices. The advisory committee was created in 1994 to recommend to the Boards of Counseling, Medicine, Nursing, Psychology, and Social Work standards for the voluntary certification of their licensees as sex offender treatment providers and to recommend to the Board of Psychology standards for the mandatory certification of sex offender treatment providers for those professionals who are otherwise exempt from licensure. The advisory committee has not met since the development of the initial regulations. The activities of the advisory committee are currently subsumed within the Board of Psychology, which has the authority to form ad hoc advisory groups should the need arise for additional expertise. This bill is a recommendation of the Joint Subcommittee to Study the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002). This bill incorporates HB 210.

Patron - Cox

D HB124 Board for Barbers and Cosmetologists; membership. Requires that of the two licensed cosmetologists on the Board for Barbers and Cosmetologists, at least one such member shall be a salon owner. Currently, of the two licensed cosmetologists appointed, one may be an owner or operator of a cosmetology school. The bill provides that it does not affect existing appointments for which the terms of current members have not expired. However, any new appointments made after July 1, 2004, shall be made in accordance with the provisions of the bill. The bill contains technical amendments.

Patron - Albo

D HB211 Medical complaint investigation committees and medical and psychological practices audit committees. Abolishes medical complaint investigation committees, medical practices audit committees, and psychological practices audit committees. The medical complaint investigation committees conduct informal inquiries for the purpose of recommending to the Board of Medicine whether sufficient grounds exist to warrant further proceedings by the Board on whether disciplinary action against a practitioner should be taken. The medical practices audit committees review the practice of the disciplined licensees to ascertain whether their practices conform to the conditions placed on their licenses by the Board of Medicine. The Board has had difficulty in finding physicians to serve on these committees. Currently, the Board of Medicine, the Department of Health Professions, the Health Practitioners' Intervention Program and expert witnesses carry out the functions of the medical practices audit and medical complaint investigation committees. Psychological practices audit committees review the practices of disciplined licensees

to ascertain whether their practices conform to the conditions placed on their licenses by the Board of Psychology. The Board has always chosen to conduct audits with the assistance of expert witnesses as needed instead of appointing formal committees. This bill is identical to SB 5, which was recommended by the Joint Subcommittee to Study the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002).

Patron - Athey

D HB270 Certain vocational rehabilitation counselors. Authorizes employees or independent contractors of the Commonwealth's agencies and sheltered workshops, who are currently exempt from obtaining Virginia certification as rehabilitation counselors unless they are providing vocational rehabilitation services through workers' compensation, to use the title "rehabilitation provider" or another similar title and to deliver vocational rehabilitation services under workers' compensation if they have obtained certification by the Commission on Rehabilitation Counselor Certification (CRCC) as certified rehabilitation counselors (CRC) or by the Commission on Certification of Work Adjustment and Vocational Evaluation Specialists (CCWAVES) as certified vocational evaluation specialists (CVE). At this time, there is a disconnect between the required federal standard for delivery of services under the federal Rehabilitation Act through the Department of Rehabilitative Services (DRS) and the Department for the Blind and Vision Impaired (DBVI) and the Virginia workers' compensation program. Federal authorities recognize national or state certification and Virginia workers' compensation law presently requires state certification for reimbursement. Thus, at this time, Virginia's public employees who hold national certification and work to assist individuals with disabilities to become employed or to maintain employment, cannot provide services to workers' compensation recipients unless they hold state certification. This provision eliminates this dual requirement.

Patron - Morgan

D HB283 Itinerant merchants; regulation; penalty. Provides that violations of the chapter are punishable as Class 4 misdemeanors except that any itinerant merchant improperly selling infant formula, baby formula or nonprescription drugs is guilty of a Class 3 misdemeanor.

Patron - Cosgrove

D HB309 Occupational therapy. Requires persons who practice or advertise as occupational therapy assistants or use the designation "O.T.A." or any variation thereof to obtain initial certification from a credentialing organization approved in regulation by the Board of Medicine. This provision also makes it unlawful to practice occupational therapy without licensure from the Board. The Board is also given clear authority to require licensure of occupational therapists and certification of occupational therapy assistants. The occupational therapist members of the Advisory Board are required to be licensed. Further, the Advisory Board's powers are revised to include recommendations to the Board of credentialing organizations to be approved for initial certification of occupational therapy assistants. Current law authorizes the practice of occupational therapy assistants without certification as long as the person is supervised by an occupational therapist in compliance with Board requirements. The current law also restricts the use of titles such as "occupational therapist" to individuals who hold licensure from the Board. Under this bill, applicants for licensure will continue to use titles such as "occupational therapist, license applicant." Individuals who do not claim to be occupational therapy assistants may continue to assist in the provision of occupational therapy services under the supervi-

sion of an occupational therapist in accordance with Board requirements. Two enactment clauses require the Board to promulgate emergency regulations and condition initial compliance with the licensure and certification requirements of this provision on the timelines, etc., set forth in the Board's regulations.

Patron - Purkey

D HB409 Practice of podiatry; surgery. Increases the anatomical area of the foot where a podiatrist may perform amputations. The bill authorizes podiatrists to perform amputations proximal to the metatarsal-phalangeal joints in a hospital or ambulatory surgery center that has the appropriate statutorily required accreditation. The bill does not allow amputation of the foot proximal to the transmetatarsal level through the metatarsal shafts.

Patron - Welch

D HB422 Board for Contractors; prohibited acts; misrepresentation; penalty. Adds a prohibition for any person contracting for, or bidding upon the construction, removal, repair or improvements to or upon real property owned, controlled or leased by another person without the proper class of license as defined in § 54.1-1100 (i.e., Class A, B, or C license) for the value of work to be performed. Currently, a person is prohibited from contracting for, or bidding upon the construction, removal, repair or improvements to or upon real property owned, controlled or leased by another person without a license or certificate. The bill also provides that any person undertaking such work without the proper class of license (i.e., Class A, B, or C license) shall be fined an amount not to exceed \$500 per day for each day that such person is in violation, in addition to the authorized penalties for the commission of a Class 1 misdemeanor.

Patron - Watts

D HB454 Department of Professional and Occupational Regulation and the Board for Contractors. Directs the Director of the Department of Professional and Occupational Regulation and the Board for Contractors to establish a pilot program consisting of a cooperative agreement with at least one local governing body that authorizes the building official of such locality to assist in the investigation of complaints and the implementation of final disciplinary orders of the Board. The bill also requires the Director and the Board to submit reports to the Governor and the General Assembly on progress made in the development and implementation of the pilot program. The bill has a sunset of July 1, 2006. The bill is identical to SB 285.

Patron - McQuigg

D HB462 Department of Professional and Occupational Regulation; Board for Asbestos, Lead, and Home Inspectors; summary suspension of licenses. Provides authority for the Board for Asbestos, Lead, and Home Inspectors to order summary suspension of a license issued by the Board or approvals for training managers, principal instructors, and training courses issued by the Board without a hearing or an informal fact finding conference. The bill also provides that proceedings for a hearing or an informal fact finding conference must be instituted simultaneously with the suspension.

Patron - Drake

D HB463 Department of Professional and Occupational Regulation; Board for Asbestos, Lead, and Home Inspectors; necessity for license. Clarifies that it is unlawful to contract or perform asbestos or lead abatement activities without possessing a license as an asbestos contractor or lead contractor.

Patron - Drake

D HB524 Board of Dentistry; continuing education for dental hygienists. Eliminates the requirement that dental hygienists complete 15 hours of continuing education courses for license renewal or reinstatement after April 1, 1995. Under the bill, continuing education courses will still be required in accordance with the Board of Dentistry's regulations, which will now have the flexibility to set the requisite number of hours.

Patron - Hogan

D HB577 Health professions; disciplinary proceedings. Grants to all health regulatory boards the authority to delegate some informal fact-finding proceedings to an appropriately qualified agency subordinate pursuant to regulations adopted by the relevant board. The bill makes general an existing provision for most health regulatory boards to order a physical or mental examination of a practitioner when he is unable to practice because of excessive use of alcohol or drugs or mental illness, after preliminary investigation by an informal fact-finding proceeding. The bill moves two sections relating to reporting requirements for hospital and other health care institutions and practitioners into the general provisions for health regulatory boards. Both sections are amended to require that the reports be made to the Director of the Department of Health Professions and are made applicable to persons holding the multistate licensure privilege to practice nursing. The bill requires the Commissioner of the Department of Social Services to report health professionals who may be guilty of fraudulent, unethical or unprofessional conduct. The bill adds an immunity provision for any person who reports regarding the conduct or competency of a health care practitioner as required by law or regulation or provides information pursuant to an investigation or testifying in a judicial or administrative proceeding as a result of such report, unless the person acted in bad faith or with malicious intent. Finally, the bill requires the health regulatory boards to promulgate emergency regulations relating to the delegation of fact-finding proceedings to an agency subordinate.

Patron - Hamilton

D HB623 Registration of pharmacy technicians in free clinics. Requires the Board of Pharmacy to waive the initial registration fee and the first examination fee for the Board-approved examination for a pharmacy technician applicant who works as a pharmacy technician exclusively in a free clinic pharmacy. If such applicant fails the examination, he must be responsible for any subsequent fees to retake the examination. A person registered pursuant to this subsection will be issued a limited-use registration. A pharmacy technician with a limited-use registration will be prohibited from performing pharmacy technician tasks in any setting other than a free clinic pharmacy. The Board will also waive renewal fees for such limited-use registrations. A pharmacy technician with a limited-use registration may convert to an unlimited registration by paying the current renewal fee.

Patron - Orrock

D HB626 The practice of licensed dentists in certain dental clinics. Authorizes licensed dentists to practice as employees of dental clinics operated by the Department of Health, the Department of Mental Health, Mental Retardation and Substance Abuse Services or a Virginia charitable corporation operated as a clinic for the indigent and the uninsured that is organized for the delivery of primary health care services as a federal qualified health center or at a reduced or sliding fee scale or without charge. Present law is presumed to authorize only dentists who hold temporary permits to practice in these settings.

Patron - O'Bannon

D HB690 Filling and stocking of automated drug dispensing systems in hospital pharmacies by registered pharmacy technicians. Clarifies that the filling and stocking of automated drug dispensing systems in hospital pharmacies may be delegated to registered pharmacy technicians. A pharmacist will remain legally responsible for the proper and accurate stocking and filling of the automated drug dispensing system, i.e., either the pharmacist who is charged with filling and stocking the device or, if a registered pharmacy technician is delegated this task, the pharmacist-in-charge.

Patron - Morgan

D HB716 Department of Professional and Occupational Regulation; complaint information; time for filing complaints. Authorizes the Department of Professional and Occupational Regulation to consider information from public sources as the basis for written complaints against a regulant. The bill also extends the period of time that a complaint may be filed against a regulant where the regulant has misrepresented, concealed or omitted any information material to the establishment of a violation to two years from the date of discovery of the misrepresentation, concealment or omission. Under current law, the period of time is extended only when the regulant materially misrepresents any information required by statute or regulation to be disclosed. The bill further provides that in cases where criminal charges involving matters that would also constitute a violation of the regulations or laws of the regulant's profession or occupation enforced by the Department are brought against the regulant, an investigation may be initiated by the Department within two years of the date that the criminal charges are brought.

Patron - Shannon

D HB783 Inventories of controlled substances required by the Board of Pharmacy; certain limited exceptions. Eliminates the requirement for the Division of Forensic Science to inventory the approximately 1200 drugs maintained in very small quantities as "standards" for making comparisons with the evidence that may be submitted for analyses. In addition, no inventory for the purpose of compliance with Board of Pharmacy requirements will be required of known or suspected controlled substances that have been received as evidentiary materials for analyses by the Division of Forensic Science. This bill tracks federal law to provide limited exceptions to the state inventory requirements, a task requiring many hours of the Division's staff time. The Division's exceptions apply to standards of (i) controlled substances on hand at the time of the inventory in a quantity of less than one kilogram, other than a hallucinogenic controlled substance listed in Schedule I of the Drug Control Act; or (ii) hallucinogenic controlled substances listed in Schedule I of the Drug Control Act, other than lysergic acid diethylamide (LSD), on hand at the time of the inventory in a quantity of less than 20 grams; or (iii) LSD on hand at the time of the inventory in a quantity of less than 0.5 grams.

Patron - McDougle

D HB829 Board for Contractors; certification of elevator mechanics. Institutes a certification program by the Board for Contractors of elevator mechanics and sets forth the requirements for certification. The bill defines elevator mechanic as an individual who is certified by the Board for Contractors and is engaged in erecting, constructing, installing, altering, servicing, repairing, testing or maintaining elevators, escalators, or related conveyances in accordance with the Uniform Statewide Building Code. However, a person not certified as an elevator mechanic may perform maintenance that is not related to the operating integrity of an elevator, escalator, or related conveyance, as provided in the regulations of the Board. The bill provides a one-year waiver of the examination

requirement if the applicant is able to demonstrate that he has at least five years experience as a mechanic in the elevator industry. The bill provides that elevator mechanics must be certified effective July 1, 2005.

Patron - Drake

D HB831 Board for Contractors; exemptions from licensure; penalty. Grants an exemption from licensure to any person who performs or supervises repair or improvement of residential dwelling units owned by him that are subject to the Virginia Residential Landlord Tenant Act. The bill further provides that such person and certain persons enumerated in the bill who are exempted from licensure shall comply with the Uniform Statewide Building Code. The bill contains technical amendments.

Patron - Drake

D HB849 Board for Contractors; necessity for licensure; design-build construction. Provides that, while a licensed architect or professional engineer is not required to be licensed or certified as a contractor to engage in, or offer to engage in, contracting work or operate as an owner-developer in the Commonwealth when bidding upon or negotiating design-build contracts or performing services under a design-build contract, he must be licensed as a contractor to render construction services in connection with a design-build contract.

Patron - Jones, S.C.

D HB851 Collaborative agreements between pharmacists and practitioners of medicine, osteopathy, or podiatry. Repeals the sunset clauses of two 1999 Acts of Assembly to avoid the sunset date of July 1, 2004, and thereby continue the authority for pharmacists involved directly in patient care to participate with practitioners of medicine, osteopathy, or podiatry in collaborative agreements that authorize cooperative procedures related to treatment using drug therapy, laboratory tests or medical devices for the purpose of improving patient outcomes.

Patron - Jones, S.C.

D HB852 Exemptions from the requirements to be licensed as wholesale distributors. Exempts permitted medical equipment suppliers from being licensed as wholesale distributors when engaging in wholesale distributions of small quantities of oxygen when such wholesale distributions are in compliance with federal law and such wholesale distributions do not exceed five percent of the gross annual sales of oxygen by the relevant permitted medical equipment supplier.

Patron - Jones, S.C.

D HB854 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; necessity for license; design-build contracts. Provides that a contractor licensed by the Board for Contractors is not required to get an architect's or engineer's license to bid on or negotiate design-build contracts or perform services, other than architectural, engineering or land surveying services under a design-build contract. The bill provides, however, that the architectural, engineering or land surveying services offered or rendered in connection with such contracts shall only be rendered by a licensed architect, professional engineer or land surveyor.

Patron - Jones, S.C.

D HB856 Practice of optometry. Revises the requirements for the practice and licensure of optometrists by requiring that, after June 30, 2004, every person initially licensed to practice optometry must meet the qualifications for a TPA-certified optometrist, i.e., be trained to prescribed thera-

peutic pharmaceutical agents for treatment of diseases of the human eye and its adnexa. The bill expands the prescriptive authority of TPA-certified optometrists to include the prescribing and administering of Schedule III through VI controlled substances and devices to treat diseases of the human eye and its adnexa, within the scope of practice of optometry and as determined by the Board. Present law limits TPA-certified optometrists' prescriptive authority to Schedule III and Schedule VI. The Board of Optometry is required, pursuant to an enactment clause, to promulgate emergency regulations, i.e., within 280 days of the bill's enactment.

Patron - Jones, S.C.

D HB857 Cemetery Board; perpetual care trust funds and preneed burial contracts; appointment of receiver. Authorizes the Cemetery Board to petition the court to appoint a receiver to oversee the cemetery operations of a cemetery company in certain situations in order to protect the public. The bill also (i) increases the amount that a new cemetery company must place in an irrevocable perpetual care trust fund from \$25,000 to \$50,000, and (ii) clarifies that the principal of the trust fund must be used for perpetual care unless approval for other uses has been approved by the Board or the court. The bill requires the Board to promulgate regulations within 280 days.

Patron - Jones, S.C.

D HB875 Copies of patient records when professional practice closed, sold or relocated; notice; charges. Modifies the provision requiring notice specifying that copies of records will be sent to any like-regulated provider of the patient's choice or provided to the patient when a practice is being closed, sold or relocated. This bill provides that the charges for the records must not exceed the actual costs of copying and mailing or delivering the records. "Current patient" is defined as "a patient who has had a patient encounter with the provider or his professional practice during the two-year period immediately preceding the date of the record transfer." "Relocation of a professional practice" is defined as "the moving of a practice located in Virginia from the location at which the records are stored at the time of the notice to another practice site that is located more than 30 miles away or to another practice site that is located in another state or the District of Columbia."

Patron - O'Bannon

D HB1022 Department of Professional and Occupational Regulation; Auctioneers Board; continuing education. Provides for the Auctioneers Board to establish continuing education for licensed auctioneers. Under the bill, the Board shall require at least six hours of Board-approved continuing education courses for the renewal or reinstatement of a license. In addition, the bill provides that any continuing education courses completed by an auctioneer pursuant to a requirement of the Certified Auctioneer's Institute or participation in the educational programs sponsored by the National Auctioneer's Association or Virginia Auctioneer's Association shall satisfy the continuing education requirement.

Patron - Dillard

D HB1049 Practice of dentistry or dental hygiene by students; temporary licenses to persons enrolled in advanced dental education programs; emergency. Modernizes the authority for dental students and dental hygiene students to practice under the direction of competent instructors. This bill removes the mere authority to perform dental operations when enrolled in advanced dental programs (e.g., internships, residencies, certificate and degree programs in hospitals and schools of dentistry) and authorizes the Board to issue temporary annual licenses to these advanced dental students. The

Board may promulgate regulations to carry out the temporary licensure program and may require reports from the hospitals and schools of dentistry that operate the programs. Students enrolled in schools of dentistry may perform dental operations in accredited programs, nonprofit dental clinics providing indigent care, governmental or indigent care clinics to which they are assigned in their final academic year, and private dental offices for a limited time during the final academic year. Two enactment clauses require that (i) the Board of Dentistry must promulgate emergency regulations and (ii) the act is an emergency, to be in effect from its passage.

Patron - Hamilton

D HJ118 School of pharmacy in Buchanan County. Endorses the establishment of a school of pharmacy in Buchanan County. This resolution notes the need for economic development projects in Southwest Virginia and the recent establishment of the Appalachian School of Law and the proposal for a pharmacy school at the University of Appalachia in Grundy. A \$3 million loan has been granted for the construction of the pharmacy school and the Board of Supervisors of Buchanan County has strongly endorsed this project. Copies of the resolution are to be transmitted to the members of the Virginia Congressional Delegation and the Governor with directions to disseminate the resolution to relevant federal officials and various state higher education entities, respectively. This resolution is identical to SJR 49.

Patron - Stump

D HJ205 Nurse practitioner prescriptive authority. Requests the Board of Nursing to collect information on nurse practitioner prescriptive authority. The Board shall collect data regarding the (i) practice locations of nurse practitioners and (ii) number of nurse practitioners with the authority to prescribe each Schedule of controlled substances and devices. The Board of Nursing shall submit an executive summary of its findings to the Joint Commission on Health Care, the House Committee on Health, Welfare and Institutions, and the Senate Committee on Education and Health.

Patron - Bryant

D SB5 Medical complaint investigation committees and medical and psychological practices audit committees. Abolishes medical complaint investigation committees, medical practices audit committees, and psychological practices audit committees. The medical complaint investigation committees conduct informal inquiries for the purpose of recommending to the Board of Medicine whether sufficient grounds exist to warrant further proceedings by the Board on whether disciplinary action against a practitioner should be taken. The medical practices audit committees review the practice of the disciplined licensees to ascertain whether their practices conform to the conditions placed on their licenses by the Board of Medicine. The Board has had difficulty in finding physicians to serve on these committees. Currently, the Board of Medicine, the Department of Health Professions, the Health Practitioners' Intervention Program and expert witnesses carry out the functions of the medical practices audit and medical complaint investigation committees. Psychological practices audit committees review the practices of disciplined licensees to ascertain whether their practices conform to the conditions placed on their licenses by the Board of Psychology. The Board has always chosen to conduct audits with the assistance of expert witnesses as needed instead of appointing formal committees. This bill is identical to SB 5 (Martin) and is a recommendation of the Joint Subcommittee to Study the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002).

Patron - Martin

D SB159 Regulation of athletic trainers. Revises the regulatory requirements for athletic trainers from certification to licensure. The Board of Medicine will promulgate regulations for the credentials of athletic trainers with the assistance of the Advisory Board on Athletic Training. Athletic trainers who are certified pursuant to the law in effect on June 30, 2004, will not be required to be licensed until July 1, 2005. Enactment clauses require the Board of Medicine to promulgate emergency regulations to implement the provisions of this act and to deem that athletic trainers who are certified to practice athletic training pursuant to the law in effect on June 30, 2004, will be, upon application, in compliance with the new licensure requirements and will be issued a license to practice athletic training. The Board is authorized to charge a reasonable fee for the application for and issuance of the license.

Patron - Potts

D SB160 Physician-patient relationships; establishment, effect of certain emergency room evaluations, termination. Provides that any physician-patient relationship that may be created by virtue of an on-call physician or his agent evaluating or treating a patient in an emergency room will be deemed terminated without further notice upon the discharge of the patient from the emergency room or if the patient is admitted to the hospital, upon his discharge from the hospital and after completion of follow-up as prescribed by the physician, unless the physician and the patient affirmatively elect to continue the physician-patient relationship. This provision does not relieve a physician of his post-discharge duty to satisfy the standard of care required in Virginia, i.e., "the degree of skill and diligence practiced by a reasonably prudent practitioner in the field of practice or specialty in this Commonwealth."

Patron - Potts

D SB224 Physician disclosure of medical treatment options. Authorizes physicians to disclose fully all medical treatment options to patients whether or not (i) such treatment options are experimental or covered services, (ii) the treatment options include services that the health insurer will not authorize, or (iii) the costs of the treatment will be borne by the health insurer or the patient, if the physician determines that an option is in the best interest of the patient. This bill also prohibits health insurers from limiting, restricting, or prohibiting physicians from disclosing such information. Physicians who disclose such information to persons with whom they have a physician-patient relationship are immune from liability to any health insurer, in an action instituted solely on behalf of the health insurer, for any civil damages arising from the disclosure of such information.

Patron - Marsh

D SB285 Department of Professional and Occupational Regulation; Board for Contractors; cooperative agreements. Directs the Director of the Department of Professional and Occupational Regulation and the Board for Contractors to establish a pilot program consisting of a cooperative agreement with at least one local governing body that authorizes the building official of such locality to assist in the investigation of complaints and the implementation of final disciplinary orders of the Board. The bill also requires the Director and the Board to submit reports to the Governor and the General Assembly on progress made in the development and implementation of the pilot program. The bill has a sunset of July 1, 2006. This bill is identical to HB 454.

Patron - O'Brien

D SB303 Department of Professional and Occupational Regulation; Cemetery Board; financial reports;

authorization for interment. Clarifies that the annual financial report that cemetery companies are required to provide the Cemetery Board for a perpetual care trust fund or preneed trust account be provided on forms prescribed by the Board. The bill also (i) authorizes a cemetery to accept the notarized signature of one next of kin of a decedent for the purpose of authorizing the interment or entombment of the deceased or the erection of a memorial or marker unless the cemetery has written notice of a dispute among the next of kin, (ii) authorizes the Board to regulate and establish qualifications for compliance agents, and (iii) provides for the cemetery to withhold services until the parties have reached mutual agreement or a court has entered an order adjudicating the issue. In addition, the bill requires the Cemetery Board to promulgate regulations within 280 days of the effective date of the act.

Patron - O'Brien

D SB498 Podiatric specialty board certification. Allows podiatrists to list specialty board certifications awarded by the American Board of Multiple Specialties in Podiatry (ABMSP) on their practitioner profiles. Currently, the Board of Medicine only allows the listing of specialty certifications approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association. The ABMSP offers specialty certification to qualified podiatrists in three areas: primary care in podiatric medicine, podiatric surgery, and prevention and treatment of diabetic foot wounds.

Patron - Mims

D SB539 Board of Accountancy. Establishes the Board of Accountancy Trust Account to provide the Board with a supplemental source of funding to study, research, investigate and adjudicate regulatory issues and possible violations of statutes and regulations governing certified public accountants (CPA) or CPA firms licensed in the Commonwealth. In addition, the bill (i) authorizes the use of CPA firms to perform peer reviews and clarifies that persons conducting the peer review must hold a valid CPA license, (ii) deletes provisions authorizing the Board to admit graduates of Bristol College and the Benjamin Franklin School of Accountancy and Financial Administration to the CPA examination, and extends such authority for the admission of graduates with a baccalaureate degree with a major in accounting or a concentration in accounting from the National College of Business and Technology, (iii) authorizes the Board to impose monetary penalties on former licensees and other individuals and entities engaged in the unlicensed practice of public accounting or using the CPA title without a license, (iv) deletes provisions prohibiting referral and contingency fees and required disclosure provisions regarding such fees, and (iv) provides for firm registrations to be renewed annually rather than biennially. The bill also contains technical amendments.

Patron - Stosch

D SB555 Pronouncements of death under certain circumstances by physician assistants. Authorizes a physician assistant practicing under the supervision of a physician to pronounce death under the following circumstances: (i) the physician assistant works at (a) a home health organization, or (b) a hospice, or (c) a hospital or nursing home, including state-operated hospitals, or (d) the Department of Corrections; (ii) the physician assistant is directly involved in the care of the patient; (iii) the patient's death has occurred; (iv) the patient is under the care of a physician when his death occurs; (v) the patient's death has been anticipated; (vi) the physician is unable to be present within a reasonable period of time to determine death; and (vii) there is a valid Do Not Resuscitate Order pursuant to § 54.1-2987.1 for the patient who has died. The physician assistant must inform the patient's attending and consulting physicians of his death as soon as practicable and

must inform the chief medical examiner of unexpected deaths. The physician assistant will not make a determination of the cause of death, i.e., physicians will continue to have this responsibility. The Board of Medicine's procedures, if any, will apply to these pronouncements of death, and the physician assistant is not relieved of any liability from failure to comply with the Board's regulations. This bill provides limited authority to pronounce death to physician assistants identical to the authority registered nurses have already been granted.

Patron - Lucas

D SB573 Department of Professional and Occupational Regulation and the Department of Health Professions; continuing education for certain professional licensees. Provides that the extension for compliance with requirements for maintaining professional licenses for regulators who are on active military duty shall be granted for one year after such person's release from active military duty provided such extension would not constitute a danger to the public health, safety or welfare.

Patron - Bolling

Failed

: HB139 Persons who may witness an advance directive. Removes the prohibition that a spouse or blood relative of the patient cannot serve as a witness of the signing of an advance directive. This provision authorizes any person over the age of 18, including a spouse or blood relative of the declarant, to serve as a witness for the advance directive.

Patron - Kilgore

: HB166 Rules of the Supreme Court regarding Interest on Lawyer's Trust Account (IOLTA) and Consumer Real Estate Settlement Protection Act (CRESPA) accounts. Requires the Court to prescribe rules allowing attorneys or law firms to designate charities to which the interest or dividends from IOLTA and CRESPA accounts shall be paid according to the same procedures and requirements established for the transmission of interest or dividends to the Legal Services Corporation of Virginia.

Patron - Albo

: HB210 Advisory Committee on Certified Practices. Abolishes the Advisory Committee on Certified Practices. The advisory committee was created in 1994 to recommend to the Boards of Counseling, Medicine, Nursing, Psychology, and Social Work standards for the voluntary certification of their licensees as sex offender treatment providers and to recommend to the Board of Psychology standards for the mandatory certification of sex offender treatment providers for those professionals who are otherwise exempt from licensure. The advisory committee has not met since the development of the initial regulations. The activities of the advisory committee are currently subsumed within the Board of Psychology, which has the authority to form ad hoc advisory groups should the need arise for additional expertise. This bill is identical to HB 8, which was recommended by the Joint Subcommittee to Study the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002). This bill is incorporated into HB 8.

Patron - Athey

: HB212 Advisory Board on Rehabilitation Providers. Abolishes the Advisory Board on Rehabilitation Providers. The advisory board was created in 1994 (i) to recommend to the Boards of Counseling; Medicine; Nursing; Psychology; and Social Work regulatory criteria for the volun-

tary certification of their licensees who provide rehabilitation services and for standards of conduct of licensees so certified and (ii) to recommend to the Board of Counseling regulatory criteria for certification and for standards of professional conduct of persons who provide rehabilitative services but who are exempt from licensure as professional counselors. The advisory board has not met since the development of initial regulations. The activities of the advisory board are currently subsumed within the Board of Counseling, which has the authority to form ad hoc advisory groups should the need arise for additional expertise. This bill is identical to HB 7, which was recommended by the Joint Subcommittee to Study the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002).

Patron - Athey

: HB268 Cemetery Board; powers; use of income by cemeteries. Provides that no regulation of the Cemetery Board shall require a cemetery company to provide an accounting of trust funds more often than quarterly. The bill also authorizes the use of the income from the perpetual care trust fund for any capital improvements to the cemetery deemed necessary by the cemetery company. The bill contains technical amendments.

Patron - Morgan

: HB381 Notification of parents of certain health services to minors. Requires, notwithstanding other law to the contrary and unless prohibited by federal law or regulation, any state or local government agency employee who provides services to a minor, for which such minor is deemed an adult for purposes of consent, to notify, within two business days of delivery of such services, a custodial parent, legal guardian or other person standing in loco parentis of any service and any reason, condition or diagnosis requiring such service when the service relates to sexually transmitted diseases, the provision of emergency contraception, pregnancy, illegal drug use, and the contemplation of suicide. The employee is required to provide notice in person or by telephone, or if such attempts to notify are unsuccessful, by certified mail to the authorized person; however, notification will not be required when the employee has knowledge that such notification may result in future physical or mental abuse.

Patron - Lingamfelter

: HB581 Health professions; practice of midwifery. Provides for the licensure by the Board of Medicine of those persons who have obtained the Certified Professional Midwife credential to practice midwifery pursuant to regulations adopted by the Board of Medicine. The Board of Medicine shall adopt regulations, with advice from the Advisory Board on Midwifery established in this bill. The regulations shall (i) address the requirements for licensure to practice midwifery; (ii) be consistent with the current job analysis for the profession; (iii) ensure independent practice; (iv) provide for an appropriate license fee; and (v) include requirements for licensure renewal and continuing education. The regulations shall not (a) require any agreement, written or otherwise, with another health care professional, or (b) require the assessment of a woman who is seeking midwifery services by another health care professional. Licensed midwives must disclose to clients certain background information, including their training and experience, a written protocol for medical emergencies, malpractice or liability insurance coverage, and procedures to file complaints with the Board of Medicine. The bill provides immunity to physicians, nurses, prehospital emergency personnel or health care institutions for acts resulting from the administration of services by any licensed midwife.

Patron - Hamilton

: **HB696 Professions and occupations; unlawful acts; penalties.** Includes public agencies and local school boards specifically as "entities" that must not engage in any enumerated unlawful acts. The bill modifies the provision relating to violating any statute or regulation governing the practice of any regulated profession or occupation to include "facilitating" the violation of any statute or regulation governing the practice of any regulated profession or occupation and to cover any statutory or regulatory requirement for direction and supervision of the practice of any regulated profession or occupation.

Patron - Morgan

: **HB853 Home inspectors; voluntary certification program.** Provides that nothing in law that limits the use of the term "certified home inspector" or other like terms shall be construed to prohibit a person who holds a valid license to engage in the practice of architecture or engineering issued pursuant to § 54.1-406 from rendering services as a home inspector.

Patron - Jones, S.C.

: **HB870 Respiratory care practitioners; authorization to administer controlled substances within scope of practice.** Adds respiratory care practitioners to the exception to the practice of medicine relating to authority to draw blood, give intravenous infusions and injections, and insert tubes. This provision also clarifies the present authority of respiratory care practitioners to administer controlled substances to coincide with current training and practice by removing the restriction on the present authority to drugs administered by inhalation. The new language allows prescribers to authorize respiratory care practitioners to administer controlled substances and devices that are within the respiratory care practitioner's scope of practice, which might include intravenous infusions and injections and the insertion of tubes. Technical amendments are included to revise the lettering of the subsections.

Patron - Byron

: **HB953 Records, reports, and requirements relating to certain services delivered to minors.** Requires that every local or district health department that delivers health care services, and every community services board, by whatever name known or described in law, must maintain aggregate records, without specific patient identifiers and in compliance with federal patient privacy requirements, on the services delivered to minors who are deemed to be adults for the purpose of consent that relate to sexually transmitted diseases; outpatient care, treatment or rehabilitation for substance abuse; pregnancy; and the contemplation of suicide. Such records shall, at minimum, include the following information as relevant: (i) the specific sexually transmitted disease for which treatment was sought and the treatment recommended or provided; (ii) the specific drug or drugs for which substance abuse outpatient care, treatment or rehabilitation was sought and the treatment recommended or provided; (iii) the month of pregnancy at the time prenatal care was initiated and any particular treatment recommended or provided; (iv) the reason for or any mental illness diagnosis that is implicated in the minor's contemplation of suicide; (v) any prescription drugs that the minor is currently taking; and (vi) the minor's rationale for excluding his parent from participating in the specific health care being sought. As a condition of delivery of such care, each local or district health department or community services board must require that such minors (a) disclose any prescription drugs currently being taken; (b) acknowledge, in writing, that it is best to have his parent participate in such treatment decisions and (c) disclose the rationale for excluding his parent from par-

ticipating in the specific health care being sought. A report of such aggregate data must be compiled and distributed to the Governor and the General Assembly annually by June 30. Such report will include the reason for seeking health care, the diagnosis, the number of minors seen for each category of care for which a minor may be deemed an adult, the number of minors treated in the last 12 months, the number of visits any minor made for the same health condition, and the number of minors who are treated for sexually transmitted diseases who are also known to be substance abusers. The combined report of aggregate data must also be posted on the Department of Health's website in a manner that allows the general public to access the results for each local jurisdiction in the Commonwealth as well as the state at large.

Patron - Lingamfelter

: **HB1219 Funeral services; exemption from licensure; board membership.** Exempts from licensure as a funeral services provider persons who sell items of merchandise to consumers that will be used in connection with a funeral or an alternative to a funeral or final disposition of human remains including caskets. The bill also requires a majority of citizen members on the nine-member Board of Funeral Directors and Embalmers. The Board's current composition is seven funeral services licensees and two citizen members.

Patron - Spruill

: **HB1354 Midwifery not the practice of medicine.** Excludes from the definition of the practice of medicine and other healing arts the usual professional activities of any midwife who is properly trained to provide care or services in giving primary assistance in the birth process either free, for trade, or for a fee.

Patron - Hamilton

: **HB1403 Morning-after pill; parental consent for minors required.** The bill requires a prescriber to obtain parental consent prior to prescribing Plan B, or any other form of the MAP, to an unemancipated minor. Prescribing without consent is a Class 1 misdemeanor.

Patron - Byron

: **HB1459 Department of Professional and Occupational Regulation; examinations by regulatory boards.** Provides that in awarding contracts for examination services, regulatory boards may enter into contracts with at least two businesses, as defined in § 2.2-4301, and afford to each applicant for certification or licensure the opportunity to select from among such businesses to fulfill such applicant's examination requirement.

Patron - Suit

: **HJ127 Board of Health Professions; midwifery regulations.** Requests the Board of Health Professions to recommend a regulatory system for establishing the appropriate regulation of certain direct entry midwives. The Board shall confer with the North American Registry of Midwives (NARM), the crediting agency for the Certified Professional Midwife (CPM), and the Commonwealth Midwives Alliance (CMA), which represents the direct entry midwives of Virginia. The Board shall also provide for public participation. The Department of Health Professions shall provide technical assistance to the Board, and the Chairman of the Board shall submit an executive summary and report no later than the first day of the 2005 Regular Session of the General Assembly.

Patron - Hamilton

: **SB674 Involuntary commitment hearings; law students.** Provides that it is not the unauthorized practice of law for a third-year law student at a Virginia law school to rep-

resent a petitioner in an involuntary mental commitment hearing without the presence of a practicing attorney. The student must have completed certain coursework and training. The student must inform the petitioner that he is not a licensed attorney, that he may not be compensated for his services and that he can be held liable only for intentional malfeasance.

Patron - Cuccinelli

Carried Over

7 HB160 Causes for revocation or suspension of an optometrist's license or reprimand of an optometrist. Provides an additional rationale for revocation or suspension of an optometrist's license or for reprimand of an optometrist, i.e., practicing optometry in any setting or location in which there is access to or from the practice through a common door or doorway between both the practice and a commercial or mercantile establishment.

Patron - Reid

7 HB455 Health professions; licensure of dietitians. Requires dietitians to be licensed by the Board of Medicine. The "practice of dietetics" is defined as the integration and application of principles derived from the sciences of nutrition, biochemistry, food, physiology, management and behavioral and social sciences to achieve and maintain health through the provision of nutrition care services that shall include (i) assessing the nutrition needs of individuals and groups based upon appropriate biochemical, anthropomorphic, physical, and dietary data to determine nutrient needs and recommend appropriate intake including enteral and parenteral nutrition; (ii) establishing priorities, goals, and objectives that meet nutrition needs and are consistent with available resources; (iii) providing dietetic nutrition counseling by advising and assisting individuals or groups on appropriate nutrition intake by integrating information from the nutrition assessment with information on food and other sources of nutrients and meal preparation consistent with cultural background and socioeconomic status; (iv) developing, implementing, and managing nutrition care delivery systems; and (v) evaluating, making changes in, and maintaining standards of quality in food and nutrition care services. The bill provides that the practice of dietetics includes medical nutrition therapy. The Board of Medicine is given the authority to establish criteria for licensure that include (a) at least a bachelors degree in human nutrition, nutrition education, foods and nutrition, food systems management, dietetics, or public health nutrition or a related field from an accredited college that meets the requirements of the Commission on Dietetic Registration; (b) at least 900 hours of supervised experience approved by the Commission on Dietetic Registration; (c) passage of the examination for registration administered by the Commission on Dietetic Registration or current registration with the Commission on Dietetic Registration; and (d) documentation that the applicant for licensure has not had his license or certification as a dietitian suspended or revoked and is not the subject of any disciplinary proceedings in another jurisdiction. Exceptions to the licensure requirement are provided for (1) any student performing activities related to an educational program under the supervision of a licensed dietitian or any person completing the supervised practice required for licensure; (2) a registered dietetic technician working under the supervision and direction of a licensed dietitian; (3) a government employee or a person under contract to the government acting within the scope of such employment or contract; (4) any health professional licensed or certified under this title when engaging in the profession for which he is licensed or any person working under the supervision of such a professional; (5) a certified teacher employed by or under contract to any public or private elemen-

tary or secondary school or institution of higher education; (6) any person with management responsibility for food service department policies, procedures or outcomes in any food service department in any program or facility licensed by the Commonwealth; (7) any person who does not hold himself out to be a dietitian who furnishes general nutrition on food, food materials, or dietary supplements or explains to customers about foods or food products in connection with marketing and distribution of food or food products; or (8) any person who provides weight control, wellness, or exercise services involving nutrition provided the program has been reviewed by a licensed dietitian, no change is initiated without prior approval of the dietitian, and consultation is available from a licensed dietitian. No dietitian employed as such prior to June 30, 2004, will be required to comply with licensure until July 1, 2006. Finally, the bill creates an Advisory Board on Dietitians that expires July 1, 2007.

Patron - McQuigg

7 HB602 Podiatric surgery. Modifies the statute that requires podiatrists to perform surgery under general anesthesia in a hospital or ambulatory surgery center to provide that podiatrists may provide medical direction and supervision for the practice of certified registered nurse anesthetists when performing such surgery in hospitals or ambulatory surgery centers. Currently, the Board of Nursing's regulation, 18VAC90-30-120 C, authorizes nurse anesthetists to practice only under the medical direction and supervision of doctors of medicine, osteopathy and dentistry. Thus, enactment clauses direct the Board of Nursing to revise its regulations to authorize the nurse anesthetists to so practice with podiatrists and to promulgate emergency regulations.

Patron - Dudley

7 HB761 Virginia State Bar; availability of membership lists. Clarifies that the provisions of the Freedom of Information Act do not apply to requests for copies of the Virginia State Bar membership lists. The bill does provide, however, that copies shall be made available, upon request, to Virginia organizations that regularly conduct continuing legal education programs in the Commonwealth and that such lists shall be provided at a reasonable cost. Currently, copies of this list are provided to legal aid societies and the Virginia Law Foundation as well as continuing legal education providers on a cost recovery basis.

Patron - Hurt

7 HB1173 Legal aid societies. Requires the Virginia State Bar to provide a check-off box on its annual bar dues statement for voluntary monetary contributions to Legal Services Corporation of Virginia.

Patron - Kilgore

7 HB1415 Continued nurse practitioner competency; instruction relating to prevention, symptoms and diagnosis of certain communicable diseases. Requires the Boards of Nursing and Medicine to include, in the regulations on continued nurse practitioner competency, instruction on prevention of transmission and the symptoms and proper methods of diagnosis of communicable diseases, such as hepatitis C, that may often go undetected and untreated by health care practitioners.

Patron - Amundson

7 HB1440 Delegation of certain nursing tasks; attendant care services. Requires the Board of Nursing to (i) encourage schools of nursing in the Commonwealth to include in their curricula information on delegation of certain nursing tasks not involving assessment, evaluation or nursing judgment to appropriately trained unlicensed personnel under the super-

vision of a registered nurse; (ii) provide a brochure about such delegation to current registered nurses; (iii) provide materials on delegation to employers of unlicensed assistive personnel; and (iv) develop through regulation, a training program for registered nurses to teach delegable nursing tasks to unlicensed personnel. The bill creates a new category of "attendant care services," and provides that nothing in Chapter 30 of Title 54.1 shall be construed to prohibit a person not licensed under the chapter from providing such services directed by or on behalf of an individual in need of in-home care. "Attendant care services" are defined as those basic and ancillary services that enable an individual in need of in-home care to live in the individual's home and community rather than in an institution and to carry out functions of daily living, self-care, and mobility. The bill also excludes attendant care services from the definition of practical nursing.

Patron - Eisenberg

7 SB187 Board of Dentistry regulations on dental amalgams containing mercury. Requires the Board of Dentistry to promulgate regulations for the appropriate and safe use of dental amalgams containing mercury. The regulations must include, but need not be limited to, information on mercury and its environmental and health hazards; the safe handling of dental amalgams containing mercury to avoid human and animal exposure to mercury; appropriate disposal of mercury amalgams and waste products to prevent mercury pollution of the environment; conditions under which amalgams containing mercury are contraindicated and are not to be used in certain patients; a requirement that each patient be given informed consent about the health and safety concerns relating to amalgams containing mercury; and a requirement that any dentist who is continuing to use dental amalgams containing mercury must provide each of his patients with the option of receiving a dental filling other than dental amalgams containing mercury.

Patron - Miller

7 SB272 Causes for revocation or suspension of an optometrist's license or reprimand of an optometrist. Provides an additional rationale for revocation or suspension of an optometrist's license or for reprimand of an optometrist, i.e., practicing optometry in any setting or location in which there is access to or from the practice through a common door or doorway between both the practice and a commercial or mercantile establishment.

Patron - Quayle

7 SB624 Department of Professional and Occupational Regulation, Board for Barbers and Cosmetology; designation of shop or salon. Requires applicants for licensure as a barber, cosmetologist or nail technician to submit a designation to the Board for Barbers and Cosmetology of the licensed barbershop, cosmetology salon or nail salon at which the applicant will conduct his business. In addition, the bill requires barbers, cosmetologists and nail technicians to update the designation when the license is renewed. The bill has a delayed effective date of July 1, 2005, and provides for the Board to promulgate regulations pertaining to the designation requirement by January 1, 2005.

Patron - O'Brien

Property and Conveyances

Passed

D HB153 Landlord and tenant law; termination of tenancies; security deposit. Amends the Landlord Tenant Act

to make it consistent with the Residential Landlord Tenant Act concerning termination of month-to-month tenancies. The bill clarifies that a landlord may purchase commercial insurance for damage coverage in lieu of all or part of a security deposit and grants the landlord the authority to purchase renter's insurance coverage for a tenant. The bill caps the amount of the security deposit and insurance premiums combined at two months' rent that can be collected from a tenant upfront. The bill also allows a landlord to include a liquidated damage penalty in the rental agreement and sets the cap for that penalty.

Patron - Albo

D HB275 State Treasurer; interest paid to owners of unclaimed property. Specifies the applicable rate of interest to be paid to the owner of unclaimed property if the property was interest bearing and the holder fails to report the applicable rate of interest.

Patron - Purkey

D HB276 Unclaimed property; electronic filing of reports. Requires a person to electronically remit reports containing 25 or more items of funds or other property presumed abandoned in a format prescribed by the State Treasurer. The State Treasurer may waive this requirement when he determines, in his discretion, that it creates an undue hardship. Current law does not specify the format for remission.

Patron - Purkey

D HB448 Virginia Real Estate Time-Share Act; possibility of reverter. Authorizes a time-share developer to utilize a deed of reverter in lieu of foreclosure on a time-share estate unit. The bill sets out the procedures required for the possibility of reverter to become effective, and specifies what the defaulting time-share unit owner must do to cure.

Patron - Suit

D HB449 Condominium Act and Property Owners' Association Acts; nonjudicial foreclosure. Clarifies that a unit or lot sold in a nonjudicial foreclosure proceeding shall be sold subject to prior liens. The bill reverses the Supreme Court holding in *Wachovia vs. Colchester Towne*, which required lienholders to be paid by the sale proceeds. The bill clarifies that these associations have the authority to serve as a unit owner's or a lot owner's statutory agent and may transfer title to the unit or lot to the purchaser at the foreclosure sale. The bill also (i) extends from 24 to 36 months, the time for initiating foreclosure proceedings to enforce a lien; (ii) adds additional notice requirements to the owner of the unit or lot; (iii) provides for the appointment of a trustee to conduct the sale; (iv) allows the association to bid on the unit or lot; (v) clarifies that foreclosure sale expenses include the association's advertising costs and reasonable attorneys' fees; and (vi) requires the association to prepare an accounting to show the distribution of the sale proceeds. The bill contains technical amendments and is identical to SB 463.

Patron - McQuigg

D HB493 Theft of timber; penalty. Provides that any person who cuts, removes, or severs any timber from the land of another without legal right or permission shall be liable to the rightful owner for treble damages, reforestation costs, the costs of ascertaining the value of the lumber and legal costs. Establishes criminal penalties for the theft of timber. Provides that prima facie evidence of the intent to steal timber exists where the timber was harvested or removed from property marked with readily visible paint marks in specific places on trees or posts along the property line. This bill is identical to SB 548.

Patron - Kilgore

D HB555 Condominium Act; insurance. Deletes the provision that requires any insurance deductible under the master casualty policy to be paid by the unit owners' association as a common expense if the cause of the damage to or destruction of any portion of the condominium originated in or through the common elements or an apparatus located within the common elements. The bill also deletes the requirement that a unit owner pay such deductible if the cause of any damage to or destruction of any portion of the condominium originated in or through a unit or any component thereof without regard to whether the unit owner was negligent.

Patron - Hargrove

D HB824 Virginia Residential Landlord Tenant Act; disclosure of mold in dwelling unit. Provides that as part of the written report of the move-in inspection, the landlord shall disclose whether there is any visible evidence of mold in the dwelling unit. If the landlord's written disclosure states that there is no visible evidence of mold in the dwelling unit, this record shall be deemed correct unless the tenant objects thereto in writing within five days after receiving the report. If the landlord's written disclosure states that there is visible evidence of mold in the dwelling unit, the tenant shall have the option to terminate the tenancy or to accept the dwelling unit in an "as is" condition. The bill also defines "visible evidence of mold" and puts an obligation on the landlord to use reasonable efforts to maintain the premises in such a condition as to prevent the accumulation of moisture and the growth of mold and to promptly respond to any written notices from a tenant. The bill also obliges a tenant to use reasonable efforts to maintain the dwelling unit and any other part of the premises that he occupies in such a condition as to prevent accumulation of moisture and the growth of mold and to promptly notify the landlord in writing of any moisture accumulation that occurs or of any visible evidence of mold discovered by him. The bill contains technical amendments. The bill is a recommendation of the Virginia Housing Study Commission.

Patron - Drake

D HB894 Property Owners' Association Act; access to association records. Provides that except for certain topics, draft minutes of the board of directors shall be open for inspection and copying (i) within 60 days from the conclusion of the meeting to which such minutes appertain or (ii) when such minutes are distributed to board members as part of an agenda package for the next meeting of the board of directors, whichever occurs first.

Patron - Sickles

D HB974 Virginia Residential Landlord Tenant Act; access by landlord to correct nonemergency property condition. Authorizes a landlord, upon the determination of the existence of a nonemergency property condition in a dwelling unit, to temporarily relocate the tenant from the unit in order to alleviate the condition. The total costs for making the repairs to alleviate the condition shall be at the expense of the landlord and the relocation of the tenant must be to a comparable dwelling unit, at no expense to the tenant and for a period not to exceed 30 days. In addition, the bill provides that the landlord is responsible for any damage to the tenant's property provided the tenant notifies the landlord of the damage within 10 days of returning to the dwelling unit. Under the bill, the failure of the tenant to cooperate with the temporary removal shall be deemed a breach of the rental agreement unless the tenant agrees to vacate the unit and terminate the rental agreement.

Patron - Reese

D HB981 Virginia Residential Landlord Tenant Act; noncompliance of rental agreement; award of attorneys' fees. Provides that if the rental agreement provides for the payment of reasonable attorneys' fees in the event of a breach of the agreement and the tenant fails to prove by a preponderance of the evidence that the failure to pay rent or vacate the premises was due to (i) the breach of the lease by the landlord, or (ii) unlawful actions on the part of the landlord, the court shall award such reasonable attorneys' fees.

Patron - Reese

D HB1264 Notice of sale by trustee; instrument of appointment. Provides that the notice of sale that a trustee must give to the present lienholder, any subordinate lienholder, and other interested parties must include, in addition to the time, date and place of any proposed sale, the instrument number or deed book and page numbers of the instrument of appointment for the trustee or substitute trustee.

Patron - Athey

D HB1388 Total Return Unitrust. Allows a trustee to convert a Virginia trust that directs or permits the distribution of trust net income (an income trust) into a unitrust that distributes a percentage of the trust assets. This bill provides statutory authority that is responsive to federal regulations revising the definition of income for federal tax law purposes. Those federal regulations in turn are responsive to changes in state law, including Virginia law, that permit trusts to use a total return method of investing to promote equitable treatment of trust beneficiaries. This bill codifies in Virginia law the safe harbor provisions of the federal regulations so that Virginia has full authority for converting an income trust to a total return trust, thus ensuring that Virginia trusts will not migrate to other states that have enacted the safe harbor provisions in state law.

Patron - Janis

D HB1435 Virginia Real Estate Cooperative Act. Requires certain disclosures in the public offering statement of a cooperative relating to the assumption of debt by the association. The bill also provides that during development of a cooperative containing additional land or withdrawable land, phase lines created by the cooperative instruments shall not be considered property lines for purposes of subdivision. If the cooperative may no longer be expanded by the addition of additional land, then the owner of the land not part of the cooperative shall subdivide such land prior to its conveyance, unless such land is subject to an approved site plan, or prior to modification of such approved site plan. In the event of any conveyance of land within phase lines of the cooperative, the cooperative and any lot created by such conveyance shall be deemed to comply with the local subdivision ordinance, provided such land is subject to an approved site plan. The bill also provides for the appointment of members of the executive board and the termination of certain management contracts, and provides that unless approved by an 80 percent vote of the proprietary lessees other than the declarant (i) the association shall not assume or take subject to any debt incurred in the original acquisition, development or construction of or the conversion of the cooperative in excess of the amounts disclosed in the public offering statement pursuant to § 55-478 or § 55-479, nor shall the cooperative or any proprietary lessee's interest be encumbered by a security interest for any greater amount incurred for such purposes and (ii) the declarant may not amend the public offering statement to change the amounts disclosed after conveyance of the first unit to a proprietary lessee. In addition, no interest shall accrue on any debt to be assumed by the association until such debt has been assumed. Notwithstanding the foregoing, the amounts disclosed shall not be subject to adjustment such that the association or the proprietary

lessees are subjected to the construction or market risks of the declarant.

Patron - Suit

D SB348 Property Owners' Association Act; board of directors; access to committee and subcommittee meetings. Provides that meetings of any subcommittee or other committee of the board of directors of a property owners' association shall be open to members of record of the association.

Patron - Houck

D SB463 Condominium Act and Property Owners' Association Acts; nonjudicial foreclosure. Clarifies that a unit or lot sold in a nonjudicial foreclosure proceeding shall be sold subject to prior liens. The bill reverses the Supreme Court holding in *Wachovia vs. Colchester Towne*, which required lienholders to be paid by the sale proceeds. The bill clarifies that these associations have the authority to serve as a unit owner's or a lot owner's statutory agent and may transfer title to the unit or lot to the purchaser at the foreclosure sale. The bill also (i) extends from 24 to 36 months, the time for initiating foreclosure proceedings to enforce a lien; (ii) adds additional notice requirements to the owner of the unit or lot; (iii) provides for the appointment of a trustee to conduct the sale; (iv) allows the association to bid on the unit or lot; (v) clarifies that foreclosure sale expenses include the association's advertising costs and reasonable attorneys' fees; and (vi) requires the association to prepare an accounting to show the distribution of the sale proceeds. The bill contains technical amendments. The bill is identical to HB 449.

Patron - Whipple

D SB503 Virginia Condominium Act and the Virginia Property Owners Association Act; foreclosure on liens. Clarifies that an action to foreclose any liens that has been perfected under the provisions of either Acts must be initiated within 36 months from the time the memorandum of lien was recorded.

Patron - Mims

D SB504 Purchase money trusts. Provides that any deed of trust that secures a loan is deemed a purchase money deed of trust if the borrower uses proceeds to acquire the secured real property.

Patron - Mims

D SB505 Release of deed of trust or other lien. Allows a lien creditor to directly file a certificate of satisfaction with the clerk unless he receives notice from a settlement agent to deliver the certificate to such settlement agent. If the certificate is filed directly with the clerk prior to receipt of a notice from a settlement agent, the lien creditor will provide the settlement agent with a copy of the certificate.

Patron - Mims

D SB548 Theft of timber; penalty. Provides that any person who cuts, removes, or severs any timber from the land of another without legal right or permission shall be liable to the rightful owner for treble damages, reforestation costs, the costs of ascertaining the value of the lumber and legal costs. Establishes criminal penalties for the theft of timber. Provides that prima facie evidence of the intent to steal timber exists where the timber was harvested or removed from property marked with readily visible paint marks in specific places on trees or posts along the property line. This bill is identical to HB 493.

Patron - Puckett

Failed

: HB1199 Foreclosure sale; advertisement. Requires the trustee in a foreclosure sale to indicate in the required advertisement if the property is encumbered by more than one mortgage or lien.

Patron - Cline

: HB1451 Condominium Act; applicability of local ordinances or proffers. Provides that no zoning ordinance, other land use ordinance, or proffer shall prohibit condominiums as such by reason of the form of ownership inherent therein. Currently, this prohibition applies only to zoning or other land use ordinances.

Patron - Oder

: SB449 Virginia Condominium Act and the Virginia Property Owners Association Act; fees related to providing statements of assurance, resale certificate or disclosure packet. Increases the fee that owners' associations under the Condominium Act and the Property Owners Association Act may charge for providing a statement of assurance from 10 cents per page with a \$50 maximum to 15 cents per page with a \$100 maximum. The bill also increases the fee that an owners' association may charge for preparing a certificate of resale or disclosure packet from 10 cents per page with a \$100 maximum to 15 cents per page with a \$150 maximum. In addition, the bill clarifies that the purchaser may also request a statement of assurance and a certificate of resale or disclosure packet and makes technical amendments.

Patron - Whipple

Carried Over

7 HB443 Condominium and Property Owners' Association Acts; resale disclosures. Provides that in the Condominium and Property Owners' Association Acts any request by a lender to a unit owner's association, or a management company representing the unit owner's association for information necessary for a borrower to provide to the lender as a condition precedent to a settlement of a mortgage loan, shall be provided to the lender within seven calendar days after the date of receipt of the written request received by mail, fax, hand delivery or electronic mail, and shall be provided as part of the resale certificate, at no additional charge.

Patron - Suit

7 HB969 Virginia Real Estate Time-Share Act; developer control in time-share estate program. Provides that the transfer of control from the developer shall be required after five years has elapsed during which time no significant number of units have been built or are under construction in a phase or portion thereof of a time-share project. The bill defines "significant number" as five percent of the total build-out number. The bill also provides any transfer of legal or equitable ownership of at least 90 percent of the time-share estates counts in determining when the developer control period terminates and is not limited to such transfers to purchasers.

Patron - Barlow

7 HB1367 Foreclosures generally; removal of occupants. Provides the procedure for the successful bidder at a foreclosure sale to remove any holdover occupants.

Patron - Drake

7 HB1368 Condominium Act and the Property Owners' Association Act; fees for disclosure packets. Increases from \$100 to \$200, the fee a condominium associa-

tion or a property owners' association may charge for providing a resale certificate or disclosure packet, respectively. The bill also contains technical amendments.

Patron - Dillard

7 HB1391 Foreclosure; real property purchased at auction. Provides that a successful bidder shall have 10 business days from the date of his purchase of real property at auction to satisfy himself that such property will be conveyed with clear title. If there is a reasonable problem with the title, the date of settlement shall be extended for a reasonable time, not to exceed 60 days, to allow the seller to correct any reported title defects. If such defects cannot be corrected, the successful bidder shall have the right to close the transaction with such defects without any abatement of a portion of the purchase price or to terminate the agreement.

Patron - Weatherholtz

7 SB506 Uniform Trust Code. Sets out the Uniform Trust Code which was finalized by the National Conference of Commissioners on Uniform State Laws in 2000 and is the first national codification of the law of trusts. Much of the Code is a codification of the common law of trusts. Most of the Uniform Trust Code consists of default rules that apply only if the terms of the trust fail to address or insufficiently cover an issue. The drafter of a trust is free to override a substantial majority of the Code's provisions, although there are some that are not subject to override. Includes comprehensive provisions on representation of beneficiaries in the Uniform Trust Code, as are rules on trust modification and termination. There are special rules on revocable trusts. A subcommittee of the Virginia Bar Association Section on Wills, Trusts and Estates is examining the act. The intent is to have the bill carried over to the 2005 General Assembly Session so that it can continue to be studied and so that provisions of current statutory law that are impacted are identified and revised.

Patron - Mims

Public Service Companies

Passed

D HB59 Electric utility restructuring; electrical generating facility certificates. Extends by two years the expiration date of certificates granted by the State Corporation Commission to construct and operate electrical generating facilities for which applications were filed with the Commission prior to July 1, 2002. This bill is identical to SB 239.

Patron - Parrish

D HB754 Public service companies; limited liability companies. Authorizes any Virginia limited liability company that is issued a certificate of public convenience and necessity by the State Corporation Commission authorizing it to furnish telecommunications services, and that seeks to construct or acquire facilities for use in providing the certificated telecommunications service, to enter upon property in order to conduct examinations and to acquire property by the exercise of eminent domain. Such powers are currently granted to public service corporations. However, any limited liability company that was certificated to provide telecommunications service prior to July 1, 2004, (i) will not have the power of eminent domain until the Commission specifically authorizes it to exercise such power, and (ii) will not be authorized to exercise the power of eminent domain with respect to any real property that is the subject of any action for trespass or related cause of action in which it is alleged that the limited liability company

entered upon and damaged the property, unless the Commission finds that the proceeding has been settled or otherwise dismissed. The bill does not affect the right of any property owner to pursue actions for damages to persons or property done by a certificated limited liability company prior to July 1, 2004.

Patron - May

D HB798 Telecommunications; telephonic reading services. Authorizes funding for the operation of telephonic reading services through the assessments already being received for the telecommunications relay service. "Telephonic reading services" means audio information provided by telephone to the blind and visually impaired through a nationally available, multi-state service center to registered readers in all parts of the Commonwealth, including the interstate acquisition and distribution of daily newspapers and other information. Enactment of this bill is contingent upon future general fund appropriations.

Patron - Petersen

D HB920 Natural gas; access by certain public schools. Authorizes a company or its affiliate to make a first or direct sale, ancillary transmission, or delivery service of natural or manufactured gas to certain public schools in the Commonwealth when the schools are not located in a territory for which a certificate to provide gas service has been issued by the State Corporation Commission. Such sale, transmission, or delivery to public schools in the Counties of Dickinson, Wise, Russell, and Buchanan, and the City of Norton, may be made without regard to the number of schools involved and such schools shall not count in determining whether the company is providing sales or transmission or delivery services to fewer than 35 customers.

Patron - Phillips

D HB938 Telecommunications; competition policy. Directs the State Corporation Commission, in resolving issues and cases concerning local exchange telephone service under the federal Telecommunications Act or state law to consider it in the public interest, as appropriate, to treat all providers of local exchange telephone services in an equitable fashion and without undue discrimination and, to the greatest extent possible, apply the same rules to all providers of local exchange telephone services. The Commission is also required to consider it in the public interest, as appropriate, to promote competitive product offerings, investments, and innovations from all providers of such services in all areas of the Commonwealth and to reduce or eliminate any requirement to price retail and wholesale products and services at levels that do not permit providers of such services to recover their costs of those products and services.

Patron - Kilgore

D SB171 Telecommunications; Wireless E-911 Fund; Fund payments. Eliminates the requirement that the Wireless E-911 Board make qualifying payments to eligible operators and providers in four equal payments at the beginning of each calendar quarter, and authorizes the Board to make the payments on an alternate schedule approved by the Board.

Patron - Stolle

D SB651 Electric Utility Restructuring Act; extension of rate caps and fuel factors; electrical generating facility certificates; municipal and state aggregation; minimum stay requirements; wires charges; net metering. Extends until December 31, 2010, the rate caps currently in place for incumbent electric utilities, unless the rate caps are terminated sooner by the State Corporation Commission (SCC) upon a finding of an effectively competitive market for genera-

tion services in the service territory of an incumbent utility. After January 1, 2004, an incumbent electric utility not, as of July 1, 1999, bound by a rate case settlement adopted by the SCC that extended in its application beyond January 1, 2002, may petition the SCC for approval of a one-time change in its rates. If capped rates are continued after July 1, 2007, such an incumbent electric utility may at any time after July 1, 2007, again petition the SCC for approval of a one-time change in its rates, except such a utility that has not retained ownership of its generation may petition only for a change in the nongeneration components of its capped rates. Such a utility is also entitled to an adjustment in its capped rates not more than once in any 12-month period for the timely recovery of its incremental costs for transmission or distribution system reliability and compliance with environmental laws to the extent such costs are prudently incurred on and after July 1, 2004. The bill provides for an extension of the fuel costs recovery tariff provisions (fuel factors) in effect on January 1, 2004, for any electric utility that purchases fuel for the generation of electricity and that was, as of July 1, 1999, bound by a rate case settlement adopted by the SCC that extended in its application beyond January 1, 2002. The fuel factors shall remain in effect until the earlier of (i) July 1, 2007; (ii) the termination of capped rates; or (iii) the establishment of tariff provisions as directed by the SCC. The incumbent electric utilities that have transferred all of their generation assets to an affiliate prior to January 1, 2002, are allowed to recover increases in purchased power costs through fuel factor adjustments on and after July 1, 2007, and otherwise such utilities' capped rates may be changed in accordance with the terms of the SCC's order approving their divestiture of generation assets. The bill extends by two years the expiration date of certain certificates granted by the SCC to construct and operate electrical generating facilities. Only those certificates for which applications were filed with the SCC prior to July 1, 2002, will receive an extension. The bill provides that a municipality or other political subdivision may aggregate the electric energy load of residential, commercial, and industrial retail customers within its boundaries on either an opt-in or opt-out basis, eliminates the requirement that customers must opt in to select such aggregation, and eliminates the requirement that such municipality or other political subdivision may not earn a profit from such aggregation. The bill also authorizes any large industrial or commercial customer that is returning to its incumbent electric utility or default provider after purchasing power from a competitive supplier to elect to accept market-based pricing as an alternative to being bound by the minimum stay period (currently 12 months unless otherwise authorized) prescribed by the SCC. Customers exempted from minimum stay periods will not thereafter be entitled to purchase retail electric energy from their incumbent electric utilities at the capped rates unless such customers agree to satisfy any minimum stay period then applicable. This bill also authorizes industrial and commercial customers, as well as aggregated customers in all rate classes, to switch to a competitive service provider without paying a wires charge if they agree to pay market-based prices if they ever return to the incumbent electric utility. However, the program is limited for each utility to customers totalling not more than 1,000 or eight percent of the utility's prior year Virginia adjusted peak load within 18 months after the commencement date of the wires charge exemption program. Customers who make this commitment and obtain power from suppliers without paying wires charges are not entitled to obtain power from their incumbent utility at its capped rates. The bill increases from 25 kilowatts to 500 kilowatts the amount of electric generating capacity a nonresidential customer-generator's facility can produce and still qualify to participate in the net metering program. Finally, the bill authorizes any investor-owned distributor that has been designated a default service provider to petition the SCC for approval to construct a coal-fired generation facility that uti-

lizes Virginia coal and is located in the coalfield region of the Commonwealth, in order to meet its native load and default service obligations. A distributor that builds such a facility shall have the right to recover the costs of the facility, plus a fair rate of return, through its default service rates. The construction of such a facility is declared to be in the public interest.

Patron - Norment

D SB663 Natural gas companies; right of entry upon property. Allows interstate natural gas companies to enter upon property to make examinations, tests, land auger borings, appraisals and surveys without the written consent of the owner, if the companies seek the landowner's permission to inspect and give notice of intent to enter. In addition, such companies may use motor vehicles, self-propelled machinery, and power equipment on the property after receiving the landowner's permission. A company using the right of entry is liable for any actual damages resulting from its entry upon the land. The bill does not impair any rights of natural gas companies obtained by the power of condemnation, an easement granted by the landowner or his predecessor in title, or any other agreement between the natural gas company and the landowner or his predecessor in title.

Patron - Wagner

Failed

: HB1437 Electric Utility Restructuring Act. Suspends indefinitely, except for pilot programs, competition among suppliers of electric energy to retail customers in the Commonwealth; facilitates the proceedings of the Commission on Electric Utility Restructuring with regard to monitoring the development of competitive wholesale electric markets and making future judgments as to the viability of retail customer choice in the Commonwealth; returns incumbent electric utilities to the rate making jurisdiction of the State Corporation Commission on a cost-of-service basis pursuant to Chapter 10 of Title 56; and authorizes, except as otherwise provided, the State Corporation Commission to continue to regulate the generation, transmission, and distribution of retail electric energy in the Commonwealth. The bill does not disturb requirements related to the transfer of management and control of transmission assets to regional transmission entities, including the Commission's responsibilities concerning such transfers, nor does it inhibit retail competition involving pilot programs.

Patron - Morgan

: SB688 Public-Private Education Facilities and Infrastructure Act of 2002. Amends the Public-Private Education Facilities and Infrastructure Act of 2002 by requiring the comprehensive agreement to include provisions for performance and payment bonds as provided in the Virginia Public Procurement Act and a bid bond in the amount of five percent of the total cost of the project. In addition, the bill requires local governing bodies proceeding under the Act to have the comprehensive agreement approved by the Design/Build Construction Management Review Board and analyzed by the Auditor of Public Accounts prior to final approval. The bill also requires the local governing body to hold a public hearing regarding the nature, costs and other facts relating to the project.

Patron - Edwards

Carried Over

7 HB264 Electric utility restructuring; protection of state jurisdiction; customer choice suspended. Suspends customer choice until July 1, 2007, unless the State Corpora-

tion Commission finds that rate unbundling will not result in the Commonwealth ceding its jurisdiction and authority to ensure reliable service at reasonable rates. The Commission is directed to immediately rebundle incumbent electric utilities' rates and take the actions necessary to protect the Commonwealth's jurisdiction to ensure reliable electric service at reasonable rates. This bill has an emergency clause.

Patron - Morgan

7 HB265 Electric utility restructuring; stranded costs; overearnings. Defines stranded costs and just and reasonable net stranded costs, and requires the State Corporation Commission to calculate on an annual basis the stranded costs of each incumbent electric utility. The bill authorizes the State Corporation Commission to reduce or eliminate an incumbent utility's wires charges, capped rates, or both, if after notice and hearing, it determines that a utility has collected its stranded costs.

Patron - Morgan

7 HB967 Water systems and small water utilities; emergency electricity generation systems. Requires the owner of a water system or a small water utility to prepare a cost study of an emergency electrical generation system and file it with the State Corporation Commission if more than 50 percent of the water system's or water utility's customers request it in writing. If the Commission determines the cost study is reasonable, the provider shall install such a system if more than 50 percent of its customers so request.

Patron - Barlow

7 HB1268 Electric Utility Restructuring Act; Commission on Electric Utility Restructuring. Repeals the Electric Utility Restructuring Act and abolishes the Commission on Electric Utility Restructuring. The State Corporation Commission will continue to be authorized to approve the construction and operation of all electrical generating facilities. Electric cooperatives are permitted to recover their costs relating to implementation of the Act if those costs were incurred prior to the repeal of the Act.

Patron - Orrock

7 HB1348 Public-Private Transportation Act of 1995. Prohibits imposition of tolls on existing interstate highways in connection with highway projects undertaken under the Public-Private Transportation Act of 1995.

Patron - Saxman

7 SB116 Electric utility restructuring; municipal and state aggregation. Provides that a municipality or other political subdivision may aggregate the electric energy load of residential, commercial, and industrial retail customers within its boundaries on either an opt-in or opt-out basis, eliminates the requirement that customers must opt in to select such aggregation, and eliminates the requirement that such municipality or other political subdivision may not earn a profit from such aggregation.

Patron - Watkins

7 SB117 Electric utility restructuring; minimum stay requirements; wires charges. Authorizes any large industrial or commercial customer that is returning to its incumbent electric utility or default provider after purchasing power from a competitive supplier to elect to accept market-based pricing as an alternative to being bound by the minimum stay period (currently 12 months unless otherwise authorized) prescribed by the State Corporation Commission. Customers exempted from minimum stay periods will not be entitled to purchase retail electric energy from their incumbent electric utilities thereafter at the capped rates unless such customers

agree to satisfy any minimum stay period then applicable. This bill also authorizes industrial and commercial customers, as well as aggregated customers in all rate classes, to switch to a competitive service provider without paying a wires charge if they agree to pay market-based prices if they ever return to the incumbent electric utility. Customers who make this commitment and obtain power from suppliers without paying wires charges are not entitled to obtain power from their incumbent utility at its capped rates.

Patron - Watkins

7 SB239 Electric utility restructuring; electrical generating facility certificates. Extends by two years the expiration date of certificates granted by the State Corporation Commission to construct and operate electrical generating facilities for which applications were filed with the Commission prior to July 1, 2002. This bill is identical to HB 59.

Patron - Norment

7 SB282 Localities providing local exchange telecommunications services; cost allocation manuals. Provides that a cost allocation manual filed by a locality that provides local exchange telecommunications services shall be deemed to be sufficient indication of the lack of cross-subsidization if the State Corporation Commission accepts the manual. In such event, the locality shall not be required to maintain any further cost study but it will be required to maintain and update the cost allocation manual on an annual basis.

Patron - Wampler

7 SB383 Telecommunications; basic services regulation. Creates a new form of regulation known as "basic services regulation." Telephone companies choosing to opt for such form of regulation would be required to offer basic services that are limited to one or more unbundled, single line, unlimited usage, residential, or business voice local exchange telephone services. Prices for these services shall be provided under tariff and cannot increase by more than 10 percent per year. After a transition period, such prices would be the same throughout the company's local service territory. Telephone companies may set without filing tariffs nonrecurring prices for basic services. A telephone company opting into basic services regulation must offer under tariff a universal service plan guaranteeing low prices to recipients of Medicaid and food stamps. Network components of enhanced 911 services shall be offered under tariff at prices set by the telephone company. All other services may be offered without tariff at prices set by the telephone company. The State Corporation Commission (SCC) would retain authority to set rules governing (i) network service quality standards limited to those necessary to maintain the public health and safety; (ii) technical network and database standards of emergency 911 service; (iii) customer notice for tariffed rate changes and tariffed service withdrawals; (iv) disconnection of residential customers for nonpayment of local exchange service; and (v) customer deposits. The SCC would also retain authority to (i) review provisions not related to rates in tariffs; (ii) enforce the Underground Utility Damage Prevention Act; (iii) administer the Telecommunications Relay Service; and (iv) designate carriers of last resort that have responsibility to provide basic services to anyone in their service territory. The SCC would not retain any authority to (i) set rules to govern retail customer service standards; (ii) approve affiliate transactions; and (iii) approve equity and debt financing. The SCC would retain limited authority to handle customer complaints. There are no changes in the provision of wholesale services to competitors.

Patron - Norment

7 SB673 Voice-over-Internet Protocol; State Corporation Commission; regulation; taxation. Excludes Voice-

over-Internet Protocol (VoIP) from regulation by the State Corporation Commission, which exempts VoIP from state taxes on telecommunications providers. The bill also limits the definition of telecommunications service and telephone service for purposes of local taxation.

Patron - Cuccinelli

Religious and Charitable Matters; Cemeteries

Passed

D HB162 Access to private or family cemeteries. Allows members of a deceased's family, cemetery plot owners, or persons engaged in genealogy research to enter upon the land of a private or family cemetery where such deceased is interred after notice to the property owner. The bill grants certain rights to the property owner to set frequency and duration of access. The bill also limits a property owner's liability for any claim that may arise out of the access except willful conduct or gross negligence.

Patron - Putney

D HB1432 Lovettsville Union Cemetery Company. Updates the 1879 Act of Assembly that incorporated the cemetery company.

Patron - May

D SB61 Exemption from consumer affairs registration requirements for regional emergency medical services councils. Provides an exemption for regional emergency medical services councils from the registration requirements that charitable organizations that solicit contributions must satisfy. Such organizations will still be subject to the remaining provisions concerning solicitation found in Chapter 5 of Title 57 of the Code of Virginia.

Patron - Edwards

D SB73 Churches; recordation taxes on incorporated churches or religious bodies. The bill exempts from state and local recordation taxes deeds conveying real estate to an incorporated church or religious body, deeds of trust or mortgages given by an incorporated church or religious body, and deeds conveying real estate from an incorporated church or religious body. The bill contains an emergency clause with an effective date of January 1, 2004.

Patron - Howell

D SB447 Appropriation of glebe lands and church property. Authorizes Northampton County to appropriate moneys from the Glebe Fund for improvements to the courthouse and related facilities provided such funds are used exclusively for compliance with the Americans with Disabilities Acts (ADA) at the courthouse or related facilities. The bill limits, prospectively, the use of such funds for ADA compliance. Currently the Counties of Essex, Middlesex and Lancaster are authorized to make appropriations for such uses.

Patron - Rerras

Carried Over

7 HB1343 Virginia's veterans. Conveys veterans' land to the Commonwealth as a perpetual memorial park, and war memorial to remember fallen Veterans' gallantry and

valor, who were conscripted or volunteered and were ordered into battle by the Virginia General Assembly.

Patron - Councill

7 HB1365 Solicitation of contributions; definition of charitable organization. Exempts from the definition of "charitable organization" any nonprofit organization submitting grant proposals to specifically targeted corporations or foundations, and not to the general public, for funding for study or research on medical, rehabilitative, scientific, technical or scholarly issues produced or collected by such organization.

Patron - Petersen

7 HB1466 Churches; incorporation. Provides that churches may incorporate and hold legal title to real or personal property. In general, any legitimate business transaction or act of an incorporated church may be made without the appointment or use of trustees, to include the conveyance of any real or personal property owned by the incorporated church. A trustee of a church would be permitted to convey real or personal property to an incorporated church without the filing of an application or petition or other action in circuit court. The bill contains an emergency clause.

Patron - Scott, J.M.

State Corporation Commission

Failed

: HB1439 Membership of the State Corporation Commission. Allows the number of judges of the State Corporation Commission to be increased from three to four in certain situations.

Patron - Parrish

Taxation

Passed

D HB17 Fuels tax. Makes several technical corrections, adds new civil penalties for persons failing to submit reports and data required under the fuels tax laws, and allows a jeopardy assessment against any licensed distributor or importer who fails to pay the tax due the supplier.

Patron - Parrish

D HB94 Real property tax exemption; elderly and disabled. Changes the financial criteria that localities may use in determining eligibility for real estate exemptions or deferrals for the elderly or disabled by: (i) increasing from \$8,500 to \$10,000 the amount of income of a nonspouse relative living with an elderly or disabled person; (ii) increasing from \$5,000 to \$10,000 the maximum amount of assets that an elderly or disabled person needing live-in assistance from a relative and enjoying a real estate tax exemption may transfer without adequate consideration, and still exclude the relative's income for purposes of determining maximum income for the tax exemption; (iii) increasing from \$100,000 to \$200,000 the maximum financial work cap; and (iv) increasing from \$7,500 to \$10,000 the maximum amount a locality may exclude from the income of a totally disabled person in calculating maximum income allowed.

Patron - Cole

D HB97 Real property tax exemption; elderly and disabled. Increases from one to 10 the maximum number of acres a locality may exclude in calculating maximum financial worth of the elderly or disabled for real estate tax exemptions.

Patron - Cole

D HB104 Income tax returns. Allows the Department of Taxation to include the mailing addresses of the Department and the local commissioners of the revenue with the appropriate income tax forms and filing instructions.

Patron - Callahan

D HB143 Taxation; special classification of certain motor vehicles for local taxation. Increases from one to two the number of specially classified motor vehicles in households containing both a member and an auxiliary member of a volunteer rescue squad or a volunteer fire department. Such special classifications are used for local taxation of certain personal property. This bill is identical to SB 349.

Patron - Orrock

D HB154 Real estate tax exemptions for the elderly and disabled. Adds Charlottesville to certain specified cities and counties that are authorized to have higher caps on total income and total financial worth than other cities and counties in determining real estate tax exemptions for the elderly and disabled.

Patron - Van Yahres

D HB246 Sales and use tax; telephone calling cards. Makes telephone calling cards subject to the state sales and use tax and exempts them from all other state and local utility taxes.

Patron - Petersen

D HB282 Income tax; qualified equity and subordinated debt investment tax credit. Reduces the annual revenue level required for a company to qualify for the credit from \$5 million to \$3 million; excludes companies from participating in the credit that have already successfully raised more than \$3 million in total investment capital; eliminates the availability of the credit to professional/institutional investors such as larger venture capital funds; and adjusts the tax penalties under the credit so they do not create disincentives to investment, and are in line with counterparts in competitive states.

Patron - Purkey

D HB293 Local taxes; offers in compromise. Authorizes (i) the commissioner of the revenue or other tax assessment official to compromise and settle certain tax assessments prior to the exhaustion of all administrative and judicial review, upon a determination that there is substantial doubt under applicable law as to the taxpayer's liability; and (ii) the treasurer or other tax collection official to compromise and settle the tax amount due and payable upon a determination that collection of the entire amount is in substantial doubt and the best interests of the locality will be served by such compromise.

Patron - Ware, R.L.

D HB295 Local business taxes; written opinions of Tax Commissioner. Authorizes the State Tax Commissioner to issue written opinions regarding machinery and tools tax, business tangible personal property tax, and merchant's capital tax and the administration of such taxes prior to the filing of an appeal.

Patron - Ware, R.L.

D HB298 Local taxation; effect of application for correction of assessment or appeal upon applications for local permits and licenses. Prohibits localities from denying permits and licenses to persons who have failed to pay taxes, penalties and interest pending correction of an assessment; appeal by locality of an assessment correction; application for correcting or an appeal of a local business tax; or correction or equalization of an assessment of real property. Also, there is no requirement to issue a local vehicle license or a vehicle registration or renewal of registration that is withheld pursuant to § 46.2-752.

Patron - Ware, R.L.

D HB372 Local telecommunication tax; the Towns of Herndon and Vienna. Authorizes the Towns of Herndon and Vienna to impose the local tax on the purchase of telecommunication service and prohibits Fairfax County from simultaneously imposing such a tax within such towns. Under current law, such towns would have had to impose such tax on or before January 1, 2000, to continue to impose such tax in the manner provided.

Patron - Rust

D HB403 Real property tax; exemptions for elderly and handicapped. Permits Goochland County to increase the income and financial worth limitations used to determine whether certain elderly or handicapped persons are eligible for exemption from or deferral of real property tax. This bill is identical to SB 122.

Patron - Janis

D HB464 Local taxes; appeals. Permits any taxpayer who is aggrieved by the assessment of any tangible personal property tax on airplanes, boats, campers, recreational vehicles or trailers to appeal such assessment to the State Tax Commissioner for a determination of the issue. Either party may appeal the determination of the State Tax Commissioner to the circuit court. The bill requires the Department of Taxation to develop and publish guidelines for such appeals no later than November 1, 2004, and exempts the development of the guidelines from the Administrative Process Act.

Patron - Drake

D HB465 Remote access fees; treasurers. Allows local treasurers who provide electronic access to public records to charge a fee to cover operational expenses. The fee goes into a special nonreverting local fund.

Patron - Drake

D HB515 Sales and use tax; nonprofit entities. Modifies the process for exempting nonprofit entities from sales and use tax as such process was designed by the 2003 General Assembly to go into effect on July 1, 2004, by: (i) permitting churches to continue self-renewal exemptions; (ii) grandfathering and creating a new category of the types of organizations that are exempt from collecting sales and use tax on fund-raising sales of tangible personal property; and (iii) making several technical amendments. This bill is identical to SB 585.

Patron - Orrock

D HB549 Deed recordation fee for open-space preservation. Imposes a \$1 fee on every deed admitted to record as of July 1, 2004, in those jurisdictions where open-space easements are held by the Virginia Outdoors Foundation. The bill requires the State Comptroller to distribute on a monthly basis the revenue from such collected fees to the Virginia Outdoors Foundation. The Foundation, established to promote the preservation of open-space lands and to encourage

private gifts of money, securities, land or other property to preserve the natural, scenic, historic, scientific, open-space and recreational areas of the Commonwealth, shall hold and administer these funds in accordance with its statutory purpose and powers.

Patron - May

D HB615 Income tax; major business facility job tax credit. Lowers the threshold amount of jobs from 100 to 25 that must be created in order to take the major business facility job tax credit in severely economically distressed areas that have an unemployment rate of at least twice the average statewide unemployment rate and applies only to taxable years 2004 and 2005. The total amount of credit permitted annually in such areas is limited to \$100,000 in the aggregate.

Patron - Carrico

D HB739 Transient occupancy tax. Authorizes Floyd County to levy a transient occupancy tax at the rate of five percent. Any revenues attributable to the portion of the tax greater than two percent shall be spent for promoting tourism, travel or business that generates tourism or travel in the County.

Patron - Dudley

D HB741 Transient occupancy tax. Permits the Counties of Chesterfield, Hanover, and Henrico to impose a transient occupancy tax at the rate of one percent with additional revenues designated and spent for the development and improvement of the Virginia Performing Arts Foundations' facilities in Richmond, for promoting the use of the Richmond Centre, and for promoting tourism, travel or business that generates tourism and travel in the Richmond metropolitan area.

Patron - O'Bannon

D HB743 Local consumer utility tax; exemption for churches. Broadens the permissive exemption from the consumer utility tax that localities may provide to certain churches or religious bodies.

Patron - Stump

D HB902 Income tax; filing returns with the commissioner of the revenue and the Department of Taxation. Clarifies that taxpayers may file their individual and fiduciary income tax returns with the Department of Taxation as well as the local commissioners of the revenue.

Patron - Wardrup

D HB924 Taxation; collection of delinquent state taxes by local government treasurers. Allows the Department of Taxation to appoint local government treasurers to collect delinquent state taxes in the same manner as they collect delinquent local taxes.

Patron - Johnson

D HB925 Taxation; nonjudicial sale of tax delinquent property. Allows unimproved real property that is assessed at less than \$10,000 with taxes that have been delinquent at least five years and is either less than 4,000 square feet or has been determined by the local zoning administrator to be unsuitable for building to be sold by the local treasurer or other officer responsible for collecting taxes. Notice of the sale must be mailed to the registered owner and anyone having an interest in the property, and notice shall be posted at the circuit courthouse of the locality and on the property if it fronts on a street.

Patron - Ingram

D HB926 Personal Property Tax Relief Act of 1998. Permits treasurers not to collect de minimus personal

property tax balances on a taxpayer's qualifying vehicle of \$5 or less without affecting the locality's reimbursement from the state for the qualifying vehicle.

Patron - Ingram

D HB928 Real property taxes; alternative due dates for Prince William County seniors. Allows Prince William County to provide alternative due dates for payment of real property taxes to taxpayers aged 65 or older, without penalty or interest.

Patron - Frederick

D HB975 State recordation taxes; exemptions. Exempts the recordation of leases of real estate to the same extent as deeds are exempt, and exempts conveyances from the United States from the grantor's tax.

Patron - Reese

D HB1001 Transient occupancy tax; Fairfax County. Provides for an additional two percent transient occupancy tax in Fairfax County beginning July 1, 2004, subject to the board of supervisors of the County appropriating the revenues from such tax to a nonprofit convention and visitor's bureau and for tourism in the County. No more than 75 percent of the revenues from such tax shall be designated for and appropriated to the County to be spent for tourism promotion, and the remaining revenues from such tax shall be designated for and appropriated to a nonprofit convention and visitor's bureau located in Fairfax County.

Patron - Hugo

D HB1027 Lottery. Modifies several provisions of the Virginia Lottery Law, generally granting to the Department and Director greater latitude and authority in which to operate the lottery. Among the changes: (i) monthly meetings of the Board are reduced to a minimum of quarterly meetings, (ii) flexibility is given to the Board to determine the types of games qualifying as a lottery, (iii) clarification is made that the Department is not subject to the Virginia Public Procurement Act, (iv) theft of a lottery ticket or prize is established as a crime, and (v) certain notice and venue requirements for assignment of lottery prizes are established.

Patron - Albo

D HB1028 Lottery. Modifies for board members and officers and employees of lottery vendors, the process for criminal background checks, including the taking of fingerprints.

Patron - Albo

D HB1030 Tangible personal property classifications for taxation. Specifies that localities may exempt from personal property, in whole or in part, or set a different tax rate for trailers primarily used by farmers to transport farm animals or other farm products.

Patron - Cole

D HB1076 Property tax exemptions. Clarifies the process localities must follow to exempt from real or personal property taxes the property of certain charitable and other related organizations. This bill contains an emergency clause.

Patron - Parrish

D HB1084 Sales tax; exemption for textbooks and other educational materials for free distribution. Extends the sunset date from July 1, 2004, to July 1, 2008, for textbooks and other educational materials withdrawn from inventory at book-publishing distribution facilities for free distribution to professors. This bill is identical to SB 347.

Patron - Scott, E.T.

D HB1159 Individual income tax preparers; electronic filing; penalty. Requires income tax return preparers who prepared at least 100 individual income tax returns for any taxable year beginning on January 1, 2004 (200 returns for taxable years beginning January 1, 2003) to file tax returns for all subsequent taxable years using electronic means or software that produces a two dimensional barcode using 2D technology.

Patron - Hull

D HB1174 Telecommunications taxation; Section 1 bill. Proposes changes in the way telecommunications are taxed that would repeal several state and local taxes and replace them with a yet-to-be-named tax and E-911 fee and tax. Following the 2004 General Assembly Session, the working group of industry and local government representatives that has been assisting the Joint Subcommittee Studying the State and Local Taxation of the Entire Telecommunications Industry and Its Customers within the Commonwealth (HJR 651, 2003; HJR 209, 2002) with its work would continue to meet and work on remaining issues. The working group would report its recommendations to the chairmen of the House and Senate Finance Committees no later than November 15, 2004. The proposal is for legislation to be introduced during the 2005 General Assembly that would actually contain the provisions necessary to carry out this intent. This method is similar to the manner used for developing the changes needed for electric utility deregulation.

Patron - Bryant

D HB1185 Land preservation income tax credits. Permits any pass-through entity that allocates or transfers land preservation income tax credits among taxpayers to designate with the Tax Commissioner a general partner, member/manager, or shareholder of the entity as the individual that the Tax Commissioner must first proceed against for the collection of taxes in the event any portion of the credit is disallowed in the future.

Patron - Bryant

D HB1208 Sales tax revenues; allocation. Adds Newport News to the cities that are permitted to keep a portion of the state sales tax collected in certain public facilities for which bonds have been issued.

Patron - BaCote

D HB1241 Sales and use tax; dealers filing returns. Allows a dealer to deliver sales tax returns to his local commissioner of the revenue or local treasurer instead of the State Tax Commissioner.

Patron - Griffith

D HB1243 Entitlement to certain sales tax revenues. Entitles the City of Salem (described by population) to all sales tax revenues generated by transactions taking place in certain public facilities to pay the cost of bonds issued to pay for such public facilities. Such entitlement shall continue for the lifetime of such bonds, which entitlement shall not exceed 30 years, and all such sales tax revenues shall be applied to repayment of the bonds.

Patron - Griffith

D HB1262 Sales and use tax exemption; film and audiovisual works. Extends to July 1, 2009, the sunset date for the sales and use tax exemption allowed for certain tangible personal property and services used in the production of audiovisual work. This bill is identical to SB 571.

Patron - Janis

D HB1426 Coal and gas road improvement tax; distribution of revenues to local public service authority. Provides that any revenues generated by the coal and gas road improvement tax and designated for local water projects shall be distributed to the local public service authority rather than the local governing body.

Patron - Phillips

D HB1453 Delinquent real estate taxes; actions to collect; necessary parties. Provides that anyone who acquires an interest in real estate that is the subject of an action to collect delinquent taxes after filing of suit and a lis pendens, shall not be deemed a necessary party, but shall be permitted to intervene in the proceedings to file his claim. Failure to file such a claim shall bar any such claim.

Patron - Gear

D HB1461 Real Estate Assessments. Allows Powhatan County to establish its own real estate assessment department.

Patron - Ware, R.L.

D HB1486 Voluntary contributions of tax refunds to certain organizations. Provides requirements for adding new and removing current organizations that are recipients of voluntary contributions of tax refunds. The bill limits the number of organizations who may receive such voluntary contributions to a list of 25 organizations and designates the next two additions to such list in the event another organization is removed.

Patron - Purkey

D SB14 Local consumer utility tax. Allows the local governing body of the Town of Iron Gate to impose the local consumer utility tax on mobile phones by adopting a local ordinance on or after July 1, 2004. While such town ordinance remains in effect, Alleghany County shall not impose the tax within the limits of the Town.

Patron - Deeds

D SB71 Local consumer utility tax; exemption for churches. Allows any county, city or town to exempt from the consumer utility tax utilities consumed on property of churches or nonprofit associations that are exempt from the local property taxes.

Patron - Puckett

D SB120 Annual report filing by utilities. Provides that the real and tangible personal property in the Commonwealth leased and operated by each electric supplier and corporation in the business of furnishing heat, light and power by means of electricity includes only those assets directly associated with production facilities and shall not mean real estate or vehicles. The provisions apply for tax years beginning on or after January 1, 2004, and there is an emergency clause.

Patron - Watkins

D SB122 Real property tax; exemptions for elderly and handicapped. Adds Goochland County to the list of localities that may increase the income and financial worth limitations used to determine whether certain elderly or handicapped persons are eligible for exemption from or deferral of real property tax. This bill is identical to HB 403.

Patron - Watkins

D SB165 Taxation; secrecy of information. Allows the Tax Commissioner to provide tax information about employers and employees to the Commissioner of Labor and Industry to facilitate the collection of unpaid wages. The infor-

mation would be used solely for satisfying the wage claims made under the payment of wage law and would be subject to agreement between Labor and Industry and Taxation.

Patron - Colgan

D SB166 Taxation; secrecy of information. Allows the Tax Commissioner to provide to the Department of the Treasury for its confidential use the tax information needed to locate the holders of unclaimed property.

Patron - Colgan

D SB231 Taxation; major business facility job tax credit. Extends the sunset date for the major business facility job tax credit from January 1, 2005, to January 1, 2010.

Patron - Lambert

D SB316 Local consumer utility tax. Allows the local governing bodies of the Towns of Herndon and Vienna to impose the local consumer utility tax on mobile phones by adopting a local ordinance on or after July 1, 2004. Each town may adopt such ordinance. While the town ordinance remains in effect, Fairfax County shall not impose the tax within the limits of the respective town that has adopted the ordinance.

Patron - Howell

D SB347 Sales tax; exemption for textbooks and other educational materials for free distribution. Extends the sunset date from July 1, 2004, to July 1, 2008, for textbooks and other educational materials withdrawn from inventory at book-publishing distribution facilities for free distribution to professors. This bill is identical to HB 1084.

Patron - Houck

D SB349 Taxation; special classification of certain motor vehicles for local taxation. Increases from one to two the number of specially classified motor vehicles in households containing both a member and an auxiliary member of a volunteer rescue squad or a volunteer fire department. Such special classifications are used for local taxation of certain personal property. This bill is identical to HB 143.

Patron - Houck

D SB361 Real property tax; exemptions for elderly and handicapped. Permits Northern Virginia localities to increase the income and financial worth limitations (from \$62,000 to \$72,000 and from \$240,000 to \$340,000) used to determine whether certain elderly or handicapped persons are eligible for exemption from or deferral of real property tax.

Patron - Colgan

D SB366 Taxation of certain electric suppliers' real and personal property. Clarifies that localities may tax certain electric suppliers' generating equipment at a rate less than the local real estate tax rate.

Patron - Watkins

D SB398 Sales tax; revenues generated from transactions in certain public facilities in Newport News. Entitles the City of Newport News to sales tax revenues generated from public facilities constructed or substantially renovated from the proceeds of bonds issued by the City between July 1, 2004, and July 1, 2007.

Patron - Norment

D SB399 Recordation tax; leases. Provides that the tax on the recordation of leases of oil and gas rights and of outdoor advertising signs owned by a person in the business of outdoor advertising shall equal \$25. The bill sets a tax of \$50 on the recordation of leases of coal and other mineral rights. Under current law, the tax on the recordation of leases of oil

and gas rights and of outdoor advertising signs may not exceed \$25, and the tax on the recordation of leases of coal and other mineral rights may not exceed \$50. The bill also provides that the tax on the recordation of a lease of a communications tower or a communications tower site shall be \$75. The tax on the recordation of each lease to affix communications equipment or antenna to any such tower or other structure shall be at a rate of \$15.

Patron - Norment

D SB403 Taxation; secrecy of information. Allows the Tax Commissioner to provide earnings information to the director of the Department of Human Resource Management to assist in collecting overpayments resulting from the failure of injured workers to report income.

Patron - Colgan

D SB517 Transient occupancy tax; Rockbridge County and the Cities of Lexington and Buena Vista. Authorizes an additional two percent transient occupancy tax to be imposed by the governing bodies in the County of Rockbridge and the Cities of Lexington and Buena Vista. The governing bodies of all three localities are authorized to impose the tax. Revenues collected from the tax shall be appropriated for the payment of principal and interest on promissory notes executed by the Virginia Horse Center Foundation or the Virginia Equine Center Foundation prior to January 1, 2004, that were part of an agreement for the Rockbridge Industrial Development Authority to issue bonds on behalf of or for improvements at the Virginia Horse Center Foundation, Virginia Equine Center Foundation, or the Virginia Equine Center. The tax may no longer be imposed after the final payment of principal and interest on all such notes.

Patron - Hanger

D SB526 Income tax; the Commonwealth's system of taxation and conformity of terms. Changes the date that Virginia conforms with the provisions of the Internal Revenue Code from December 31, 2002, to December 31, 2003. The bill also contains an emergency clause.

Patron - Hanger

D SB533 Sales and use tax exemption; advertising businesses. Extends the sunset date from July 1, 2004, to July 1, 2008, for the exemption from sales and use tax for the purchase of printing materials by advertising businesses when the printed material is distributed outside the Commonwealth.

Patron - Stosch

D SB571 Sales tax exemption for film, video, and audio. Extends the expiration date for the exemption of sales tax for film, video, and audio from July 1, 2004, to July 1, 2009. This bill is identical to HB 1262.

Patron - Lambert

D SB585 Sales and use tax; nonprofit entities. Modifies the process for exempting nonprofit entities from sales and use tax as such process was designed by the 2003 General Assembly to go into effect on July 1, 2004, by: (i) permitting churches to continue self-renewal exemptions; (ii) grandfathering the types of organizations that are exempt from collecting sales and use tax on fund-raising sales of tangible personal property; and (iii) making several technical amendments. This bill is identical to HB 515.

Patron - Colgan

D SB627 Local consumer utility tax. Allows the local governing body of the Towns of Vienna and Clifton to impose the local consumer utility tax on mobile phones by adopting a local ordinance on or after July 1, 2004. While the

town ordinance remains in effect, Fairfax County shall not impose the tax within the limits of such town.

Patron - Devolites

D SB632 Sales and use tax exemption for software and content delivered electronically. Expressly exempts the electronic delivery of software, data, content and other information services via the Internet from the Commonwealth's sales and use tax. This bill clarifies existing law by codifying a long line of State Tax Commissioner Rulings (97-405 and 02-111).

Patron - Devolites

D SB642 Coal and gas road improvement tax; water/sewer projects. Adds sewer systems and lines to water projects as an option for localities to use a portion of the coal and gas road improvement tax revenues. The bill also provides that any revenues generated by the coal and gas road improvement tax and designated for local water or sewer projects shall be distributed to the local public service authority rather than the local governing body.

Patron - Puckett

D SB652 Transient occupancy tax; additional amount for overnight accommodations in greater Williamsburg area. Allows the Counties of James City and York to impose an additional transient occupancy tax of up to \$2 for overnight accommodations. The revenues collected from the additional tax must be used for advertising the Historic Triangle area (City of Williamsburg, Counties of James City and York) as an overnight destination. The additional tax expires January 1, 2008, unless any one of the governing bodies of the City of Williamsburg and the Counties of James City and York fails to adopt an ordinance by August 1, 2004, imposing the tax, in which event the additional tax will expire on such date. Establishes the Williamsburg Area Destination Marketing Committee of the Williamsburg Area Convention and Visitors Bureau to direct such advertising.

Patron - Norment

D SB681 Taxation; minimum tax on certain electric suppliers. Requires certain electric suppliers to pay a minimum tax rather than the corporate income tax for any year their minimum tax liability is greater than their corporate income tax liability. The minimum tax is equal to 1.45 percent of the electric supplier's gross receipts minus the state's portion of the electric utility consumption tax billed to consumers. For electric cooperatives that are exempt from federal taxation under § 501 of the Internal Revenue Code, the minimum tax is equal to 1.45 percent of the cooperative's gross receipts from sales to nonmembers minus the consumption tax collected from nonmembers. Also included are provisions dealing with electric suppliers that file consolidated or combined returns. The bill will be effective for taxable years beginning on or after January 1, 2004, and there is an emergency clause.

Patron - Watkins

D SB684 Transient occupancy taxes and food and beverage taxes. Makes technical changes to the transient occupancy taxes and the food and beverage taxes for counties by replacing indirect references to specific counties with the names of the counties.

Patron - Watkins

D SB690 Corporate income taxes; tax credit for machinery and equipment used to produce property from recyclable materials. Extends the sunset date from December 31, 2003, to December 31, 2006, for a corporate income tax

credit for machinery and equipment used to produce personal property from recyclable materials.

Patron - Hawkins

Failed

: **HB4 Estate tax.** Conforms the amount of Virginia estate tax due from an estate to the maximum amount of the federal estate tax credit for state estate taxes, as permitted under federal estate tax law, as such law shall be amended from time to time. Under current law the amount of Virginia estate tax cannot be less than the federal credit under federal law as such law existed on January 1, 1978. The bill is identical to SB 392, incorporates HB 1134, and is incorporated into SB 30.

Patron - Tata

: **HB33 Tobacco Products Tax; Health Care Revenue Act of 2004.** Allows the Commonwealth to impose a tax on all tobacco products (cigarettes, cigars, snuff, chewing tobacco, and smoking tobacco) at the rate of 50 cents per pack or package and five cents per cigar. The revenues generated by the tax shall be deposited into a special fund, known as the Health Care Trust Fund, once it is approved through a referendum. Until then the revenues will be part of the general fund. The bill allows all localities to impose a local option tobacco products tax at a rate not to exceed 25 cents per pack or package and three cents per cigar. Localities that imposed a cigarette tax at a higher rate as of January 1, 2004, may maintain that rate but shall not increase it. The cap on the local option tobacco products tax rate shall remain in effect until January 1, 2009.

Patron - Hamilton

: **HB60 Motor fuel tax.** Increases the tax on gasoline, diesel fuel, and alternative fuel by six and one-half cents per gallon, increases the motor carrier road tax by an equivalent of six and one-half cents per gallon of fuel used in the Commonwealth, and increases the alternative use fee for certain motor carriers from \$100 to \$150 (the fee is an alternative to paying the motor carrier road tax). The revenue generated is used for transportation purposes as required by existing law.

Patron - Parrish

: **HB72 Cigarette tax; rate increase.** Increases the state cigarette tax from two and one-half cents per pack to 50 cents per pack, and dedicates all additional revenue to the Standards of Quality.

Patron - Reese

: **HB74 Cigarette tax; counties.** Authorizes any county to impose a local cigarette tax not to exceed 50 cents per pack. All revenue collected from such tax must be used as an offset to the county's real estate tax rate.

Patron - Reese

: **HB91 Business, Professional and Occupational Licensing Tax (BPOL); license fees, rates and requirements.** Requires localities that impose the BPOL tax to (i) eliminate license fees by January 1, 2006, (ii) exempt the first \$100,000 of gross receipts from taxation by January 1, 2006, and (iii) reduce the several different rates currently in the Code to a flat rate of 20 cents per \$100 of gross receipts for license years beginning on and after January 1, 2006. This bill is incorporated into HB 461.

Patron - Shuler

: **HB95 Real property tax exemption; elderly and disabled.** Increases from \$5,000 to \$10,000 the maximum

amount of assets that an elderly or disabled person needing live-in assistance from a relative and enjoying a real estate tax exemption may transfer without adequate consideration, and still exclude the relative's income for purposes of determining maximum income for the tax exemption. This bill is incorporated into HB 94.

Patron - Cole

: **HB96 Real property tax exemption; elderly and disabled.** Increases from \$100,000 to \$200,000 the maximum financial worth cap a locality may impose in providing real estate tax exemptions to the elderly or disabled. This bill is incorporated into HB 94.

Patron - Cole

: **HB98 Real property tax exemption; elderly and disabled.** Increases from \$7,500 to \$10,000 the maximum amount a locality may exclude from the income of a totally disabled person in calculating maximum income allowed to provide real estate tax exemptions for the elderly or disabled. This bill is incorporated into HB 94.

Patron - Cole

: **HB103 Cigarette tax.** Increases the state cigarette tax rate from two and one-half cents per pack to 60 cents per pack. One-half of the additional revenue generated by the increase is to be used solely to fund the Virginia Medicaid Program. The remaining one-half of such revenues is to be distributed to all of the counties and cities of the Commonwealth based upon the number of school-aged children in each locality.

Patron - Van Yahres

: **HB107 Income tax; the Commonwealth's system of taxation and conformity of terms.** Changes the date that Virginia conforms with the provisions of the Internal Revenue Code from December 31, 2002, to December 31, 2003. The bill also contains an emergency clause. This bill is identical to SB 526 and SB 466.

Patron - Parrish

: **HB146 Motor vehicle fuel tax; in certain transportation districts.** Imposes a two percent sales tax on motor fuels in all the cities and counties within any transportation district created pursuant to § 15.2-4504 of which the City of Fredericksburg and (i) Caroline County, (ii) King George County, (iii) Spotsylvania County, or (iv) Stafford County are part of the membership. The additional revenues shall be used for any transportation project within such district. The bill is effective the later of July 1, 2004, or 60 days after creation of the district.

Patron - Orrock

: **HB175 Estate tax.** Removes the estate tax from those estates (i) valued at \$10 million or less, or (ii) of which a majority of the assets are an interest in a closely held business or working farm.

Patron - Baskerville

: **HB297 Individual income tax; subtraction for certain local school board employees.** Allows a subtraction when calculating taxable income of the first \$15,000 of salary for each local school board employee whose annual salary is \$15,000 or less, for taxable years beginning on and after January 1, 2005.

Patron - Ware, R.L.

: **HB341 State Lottery Board; powers.** Requires the State Lottery Board through regulation to express the prize amounts for winning tickets or shares in all advertisements of

the lottery as the estimated present value of such winnings if the prize is not payable in one single payment.

Patron - Pollard

: **HB385 Real estate tax; limitation on tax rate.** Provides that an annual assessment, biennial assessment or general reassessment of real property may not result in more than a five percent increase in the total real estate tax levies for a county, city or town, with one exception. The bill also provides that a county, city or town may not set its real property tax for any tax year at a rate that would produce more than 105 percent of the previous year's total real property tax levies for such county, city or town, with one exception. The exception would allow a locality to set its property tax rate at a rate not to exceed the rate of population growth plus the rate of inflation in the locality for the immediately preceding year. The average tax increase on individuals would not exceed five percent. However, some taxpayers could be above the average while others could fall below the average. Under current law, (i) the annual growth rate in a locality's total real estate taxes from an annual assessment, biennial assessment or general reassessment is not capped, provided the locality holds a public hearing in regard to its real property tax rate; and (ii) there is no cap on real property tax rates.

Patron - Lingamfelter

: **HB412 Meals tax and transient occupancy tax; cities and towns.** Restricts the imposition in any city or town of (i) a new (i.e., not in effect on January 1, 2004) meals tax or an increase in the rate as of January 1, 2004, without approval by referendum, and (ii) transient occupancy taxes in excess of two percent, (or five percent when the excess over two percent is spent on tourism promotion under certain conditions), unless the city or town had a higher rate as of January 1, 2004.

Patron - Welch

: **HB428 Motor fuel tax.** Increases the tax on gasoline, diesel fuel, and alternative fuel by six and one-half cents per gallon, increases the motor carrier road tax by an equivalent of six and one-half cents per gallon of fuel used in the Commonwealth, and increases the alternative use fee for certain motor carriers from \$100 to \$150 (the fee is an alternative to paying the motor carrier road tax). All motor fuels taxes will be indexed annually beginning January 1, 2005, by an amount equal to the percentage change in the U.S. Department of Labor's Producer Price Index for Highway and Street Construction. The revenue generated is used for transportation purposes as required by existing law.

Patron - Watts

: **HB461 Business, Professional and Occupational Licensing Tax (BPOL).** Phases in lower rates based on growth for each of the four BPOL categories by five cents and allows only a \$25 fee rather than \$50, for businesses that start up in the last six months of a taxable year. These changes are effective for taxable years beginning on or after January 1, 2005.

Patron - Drake

: **HB473 Property tax exemptions; charitable organizations.** Modifies the "grandfathering" of property tax exemptions for certain charitable organizations that were granted through classification by the General Assembly (prior to the Constitutional amendment, effective January 1, 2003, that gave such exemption authority solely to localities) to include property (i) that was owned by such an exempt organization as of January 1, 2003, and (ii) that, as determined by a court of competent jurisdiction, was taxed by the locality but should not have been. Current law grandfathers only such

property that actually was not being taxed by the locality as of January 1, 2003. This bill is incorporated into HB 1076.

Patron - Nixon

: **HB531 Sales and use tax; increase for education and transportation.** Increases the state portion of the sales and use tax from 3.5 percent to 5.5 percent with (i) one-half of the additional revenues generated to be used solely to fund the Standards of Quality for public education, and (ii) the remaining one-half of such revenues to be deposited into the Transportation Trust Fund and used solely for transportation purposes.

Patron - Stump

: **HB582 Sales tax on food for human consumption.** Reduces the state portion of the sales tax on food for human consumption from three percent to 1.5 percent with the revenue from the tax to be distributed as follows: (i) the revenue from the tax at the rate of one-half percent shall be distributed to the Transportation Trust Fund, and (ii) the revenue from the tax at the rate of one percent shall be distributed to localities based on school-aged population.

Patron - Hamilton

: **HB662 Individual income tax; tax credit for certain parents.** Grants a tax credit equal to \$50 against the income tax liability of certain parents who stay home to take care of at least one child under the age of 16, provided certain requirements are satisfied. The credit would be available for taxable years beginning on and after January 1, 2005.

Patron - Bell

: **HB730 Local license fees and taxes.** Requires localities to impose the flat license fees now authorized by current law on all businesses or no businesses, and if such fees are imposed then, in calculating any license tax that is imposed on gross receipts the locality must deduct from such gross receipts the threshold amount of gross receipts on which it imposes the tax. This bill is incorporated into HB 461.

Patron - Joannou

: **HB757 Income tax; Virginia Tiered Incentive Program.** Establishes a program for providing corporate income tax credits for creation of jobs in economically distressed localities, which are divided into three tiers. The amount of the credit will be based on factors such as median household income and rates of unemployment within the three tiers. The Tax Commissioner shall promulgate regulations that are necessary or desirable to carry out the provisions of the act. This bill is a recommendation of the Rural Virginia Prosperity Commission.

Patron - Hurt

: **HB793 State and local cigarette tax.** Increases the state cigarette tax from two and one-half cents per pack to 25 cents per pack, and authorizes all counties, cities, and towns to impose a cigarette tax not to exceed the greater of 50 cents per pack or the rate that was in effect in the locality on January 1, 2004.

Patron - Watts

: **HB802 Local cigarette tax.** Gives counties the same authority as cities and towns to impose a cigarette tax.

Patron - Petersen

: **HB839 Income tax; day-care facility investment tax credit.** Adds expenditures for contracting out on-site child day-care services to the list of items and activities for which the day-care facility investment tax credit is allowed. There is language that removes certain restrictions regarding the

approval of credit applications, including the one limiting the credit to \$100,000 per year per taxpayer. The new provisions are effective for taxable years beginning on and after January 1, 2005.

Patron - Baskerville

: **HB859 Taxation; reform package.** Makes several changes to the state tax code as follows: (i) increases the income tax personal exemption amount from \$800 to \$2,500, (ii) increases the income tax standard deduction amount to \$3,500 for singles and married filing separately and to \$7,000 for married filing jointly, (iii) adds and expands the income tax rates, with a top rate of seven and one-half percent on income greater than \$100,000, (iv) eliminates the low-income tax credit and the age deduction; (v) provides an income tax credit for sales taxes paid that is income-based; (vi) eliminates the sales tax on food and expands the sales tax to include consumer services; and (vii) tightens certain corporate income tax provisions, and increases the rate from six percent to seven and one-half percent.

Patron - Watts

: **HB885 Motor fuel tax.** Increases the tax on gasoline, diesel fuel, and alternative fuel by six cents per gallon; increases the motor carrier road tax by an equivalent of six cents per gallon of fuel used in the Commonwealth; and increases the alternative use fee for certain motor carriers from \$100 to \$150 (the fee is an alternative to paying the motor carrier road tax). The revenue generated is used for transportation purposes as required by existing law.

Patron - Plum

: **HB886 Cigarette tax.** Increases the state cigarette tax rate from two and one-half cents per pack to 50 cents per pack, and caps local cigarette taxes at the rates in effect on January 1, 2004. The additional revenue generated by the increase in the state tax rate is to be used solely to fund the Virginia Medicaid Program.

Patron - Plum

: **HB913 Sales and use tax exemption; little league baseball and softball.** Exempts nonprofit little league organizations from collecting the sales tax when they sell tangible personal property for fund-raising. Such organizations already are exempt from paying sales tax when purchasing tangible personal property. This bill is incorporated into HB 515.

Patron - Phillips

: **HB940 Admissions tax; Caroline County.** Authorizes Caroline County to impose a local admissions tax.

Patron - Pollard

: **HB972 State and local cigarette tax.** Authorizes all counties to impose a cigarette tax not to exceed 50 cents per pack.

Patron - Barlow

: **HB1051 Taxation; individual income tax rates and brackets.** Changes the income levels and adds an additional top rate to the Virginia individual income tax rate structure as follows:

<u>Taxable Income</u>	<u>Rate</u>
Up to \$6,000	2%
\$6,001 - \$10,000	3%
\$10,001 - \$35,000	5%
\$35,001 - \$200,000	5.75%
\$200,001 and above	6%

Patron - Hamilton

: **HB1052 Sales and use tax; increase for education.** Increases the state portion of the sales and use tax from 3.5 percent to four percent and requires that the additional revenue generated thereby be used solely (i) to increase public school teachers' salaries to the 2003 national average, (ii) to fully fund the total cost of all preschool programs for at-risk four-year-olds, and (iii) to fund full-time instructional positions in the areas of art, music, and physical education.

Patron - Hamilton

: **HB1064 Estate tax.** Exempts from the estate tax (i) all estates where the majority of assets are an interest in a closely held business, including working farms, and (ii) all estates where the gross estate is worth \$10 million or less.

Patron - Armstrong

: **HB1065 Estate tax.** Exempts from the estate tax all estates where the majority of assets are an interest in a closely held business, including working farms.

Patron - Armstrong

: **HB1068 Sales tax on food; reduction.** Reduces the state portion of the sales tax on food for human consumption (i) to two percent from July 1, 2004, through June 30, 2005; and (ii) to one and one-half percent on and after July 1, 2005, and holds harmless the portion of the state sales tax currently dedicated to the Transportation Trust Fund and to localities based on school-age population.

Patron - Armstrong

: **HB1072 Machinery and tools tax; date to file returns.** Changes from May 1 to March 1 the date by which machinery and tools tax returns must be filed each year.

Patron - Armstrong

: **HB1078 Local taxes; appeals.** Permits any taxpayer who is aggrieved by the assessment of any local tax to appeal such assessment to the Tax Commissioner for a determination of the issue. Either party may appeal the determination of the Tax Commissioner to the circuit court, and the locality must suspend all collection activity on the tax as long as the court has jurisdiction of the matter, unless the locality shows to the satisfaction of the court that: collection would be seriously jeopardized by delay; or that the locality is likely to prevail on the merits of the case because the taxpayer's application is (i) not well grounded in fact; (ii) not warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; (iii) interposed for an improper purpose, such as to harass, to cause unnecessary delay in the collection of the revenue, or to create needless cost to the locality from the litigation; or (iv) otherwise frivolous. This bill is incorporated into HB 464.

Patron - Parrish

: **HB1079 Corporate income taxation; closing loopholes.** Closes two corporate income tax loopholes that allowed corporations to avoid paying taxes on "nowhere income" and money paid to passive investment companies in the form of royalties, interest and other intangible income. The "throwback rule" closes the first loophole by allowing the Commonwealth to tax the income when the property is shipped from an office, store, warehouse, factory, or other place of storage in the Commonwealth and the corporation is not taxable in the state of the purchaser. The second loophole is closed by requiring the corporation to add back any otherwise deductible interest expenses and costs and intangible expenses and costs paid, accrued or incurred to one or more related members. This bill is incorporated into HB 1361.

Patron - Parrish

: **HB1081 Taxation; A Commonwealth of Opportunity Plan.** Sets the governor's tax plan, which would (i) lower the income tax for most Virginians by increasing the personal exemption amount from \$800 to \$1,000, increasing the standard deduction amount to \$4,000 for singles and married filing separately and to \$8,000 for married filing jointly, and raising the filing thresholds to \$7,000 and \$14,000, (ii) reduce the food tax by 1.5 cents and add one cent to the sales and use tax, (iii) tighten certain corporate income tax provisions, (iv) increase Virginia's state cigarette tax to 25 cents per pack to pay for health care needs while giving counties the authority to levy the tax up to a cap, (v) complete the plan to end the car tax on personal vehicles valued at \$20,000 or less, (vi) eliminate the estate tax for certain working farms and family-owned businesses, (vii) end the accelerated sales tax collection for retailers, (viii) provide incentives for small and mid-size businesses to invest, and (ix) streamline collection of the state sales tax. The bill also amends § 58.1-3833 by authorizing a local meals tax of up to four percent in counties. This section already reads that the local meals tax in counties shall not exceed four percent. However, the section, as published, is incorrect. It includes language setting the local meals tax rate, which amendatory language was dependent upon passage of the 2002 transportation referendums (See Chapter 853 of the Acts of Assembly of 2002). As the referendums did not pass, such amendatory language never became law. The change to § 58.1-3833 is technical in nature. It sets out the Code section as it should have been published and amends the section to clarify current law that authorizes counties to impose a local meals tax up to four percent.

Patron - Parrish

: **HB1087 Sales and use tax exemption; Literacy Volunteers of the New River Valley.** Exempts from the retail sales and use tax beginning July 1, 2004, and ending July 1, 2008, tangible personal property purchased for use or consumption by a charitable nonprofit organization established to increase literacy for adults who function at or below the fifth grade reading level, and for those seeking to learn English as a second language.

Patron - Nutter

: **HB1089 Virginia Tiered Incentive Program.** Establishes a program for providing corporate income tax credits for creation of jobs in economically distressed localities. The amount of the credit will be based on factors such as median household income and rates of unemployment. The Tax Commissioner shall promulgate regulations that are necessary or desirable to carry out the provisions of the act. This bill is a recommendation of the Rural Virginia Prosperity Commission.

Patron - Nutter

: **HB1090 Sales and use tax; optional local tax for mass transit.** Authorizes any county or city embraced within the Washington Metropolitan Area Transit Authority to levy an additional local sales and use tax at a rate of one-half of one percent with the revenues generated from such tax to be used solely for mass transit purposes. The county or city imposing such a tax must reduce its real estate tax rate so that total real estate tax revenues are reduced by 40 percent of the additional sales tax revenues. The tax shall be adopted by local ordinance which shall become effective on the later of the first day of a month at least 60 days after its adoption, or the first day of the month after which at least one other such city or county shall have adopted such an ordinance and the total population within the counties or cities having adopted such an ordinance comprises at least 50 percent of the total population of the counties

and cities embraced within the Washington Metropolitan Area Transit Authority.

Patron - Scott, J.M.

: **HB1122 Local business taxes; appeals to court.** Provides that when any taxpayer appeals to court an adverse decision of the State Tax Commissioner regarding the assessment of a local business tax, the assessing official shall suspend collection activity while the court retains jurisdiction unless the court determines that collection would be jeopardized by delay, or that suspension of collection would cause substantial economic hardship.

Patron - Lingamfelter

: **HB1134 Estate tax.** Conforms the amount of Virginia estate tax due from an estate to the maximum amount of the federal estate tax credit for state estate taxes, as permitted under federal estate tax law, as such law shall be amended from time to time. Under current law the amount of Virginia estate tax cannot be less than the federal credit under federal law as such law existed on January 1, 1978. This bill is incorporated into HB 4 and is identical to SB 392.

Patron - McDonnell

: **HB1160 Income tax; teacher expenses tax credit.** Provides an income tax credit of up to \$500 for costs incurred by teachers for materials they use teaching children in grades kindergarten through 12, for taxable years beginning on or after January 1, 2005.

Patron - Frederick

: **HB1164 Income tax; teleworking tax credit.** Grants a tax credit to certain qualified employers for eligible costs incurred to provide an employee with the ability to telework, for taxable years beginning on or after January 1, 2005. The credit equals 75 percent of the cost of the initial set-up to enable teleworking for an employee who works five or more days weekly. The credit per employee is limited to \$1,000 annually.

Patron - Frederick

: **HB1188 Sales and use tax; Internet.** Exempts from the sales and use tax any tangible personal property or service acquired through the use of the Internet.

Patron - Frederick

: **HB1270 Sales and use tax; increase for education.** Increases the state portion of the sales and use tax from 3.5 percent to four percent for public school education, with one-half of the additional revenues generated thereby deposited into the At-Risk Student Academic Achievement Fund created by the bill, and the remaining one-half distributed to localities based on a set per pupil amount, based on the latest actual adjusted average daily membership, and used solely for public school capital projects. The At-Risk Student Academic Achievement Fund is to be used to provide noncompetitive grants to public school divisions to implement programs designed to (i) improve the academic achievement of at-risk public school students on the Standards of Learning assessments; (ii) decrease the rate of dropout among at-risk public school students; and (iii) increase the number of such students obtaining the advanced studies diploma.

Patron - Dillard

: **HB1286 Sales and use tax; increase for education.** Increases the state portion of the sales and use tax from 3.5 percent to 4.5 percent with (i) one-half of the additional revenues generated to be distributed among all counties and cities based upon point of sale and used solely for public school purposes and (ii) the remaining one-half of such reve-

nues to be appropriated by the General Assembly for higher education.

Patron - Shuler

: **HB1287 Car tax relief; prerequisites to increases.** Establishes the following two additional prerequisites to increasing the percentage of the reimbursable amount for each qualifying vehicle under the Personal Property Tax Relief Act of 1998: (i) funding the Commonwealth's portion of the Standards of Quality for public education in an amount equivalent to at least 55 percent of the total statewide associated costs, and such total statewide associated costs shall include, but not be limited to, the prevailing costs of the prevailing practices as determined pursuant to §§ 22.1-18.01 and 22.1-253.13:1; and (ii) funding higher education in the Commonwealth according to the funding guidelines established by the Joint Subcommittee on Higher Education Funding Policies pursuant to Item 1 E of Chapter 1073 of the Acts of Assembly of 2000.

Patron - Shuler

: **HB1301 Local business license.** Prohibits localities from issuing a local business license without first determining that the applicant's place of business satisfies all local zoning regulations.

Patron - Cosgrove

: **HB1361 Corporate income tax; add back for related companies.** Describes permissible and impermissible transactions between interrelated companies for purposes of calculating their Virginia corporate income tax liability. In general, a company is required to add back interest expenses and costs and intangible expenses and costs relating to transactions with one or more related entities, but several exceptions or "safe harbors" are provided to protect most interrelated company transactions.

Patron - Nixon

: **HB1366 Sales and use tax increase for higher education.** Increases the state sales and use tax from 3.5 percent to 3.75 percent and dedicates the additional revenue for higher education according to the following formula: (i) 25 percent of the additional revenue shall be distributed to the Virginia Community College System to support operating costs, and (ii) the remaining 75 percent of the additional revenue shall be distributed to various four-year public institutions of higher education in accordance with the recommendations and findings of the Joint Subcommittee for Higher Education Funding Policies, and with priority given to those institutions (a) demonstrating the highest rate of increase in in-state enrollments and (b) having the portion of out-of-state enrollments in each incoming freshman class not exceeding 25 percent, as set forth in the appropriation act. However, such restriction on out-of-state enrollments shall not apply to Norfolk State University, Virginia Military Institute, and Virginia State University.

Patron - Scott, J.M.

: **HB1381 Business, professional and occupational license (BPOL) tax; newspapers' exemption.** Repeals the BPOL tax exemption for newspapers, magazines, newsletters or other publications issued daily or regularly at average intervals not exceeding three months.

Patron - Wardrup

: **HB1390 Virginia Cultural Economic Development Revolving Fund.** Creates the Virginia Cultural Economic Development Revolving Fund ("Fund") for the purposes of improving the cultural institutions and organizations and economic development prospects and interests of the Commonwealth through collaboration with Virginia's local govern-

ments. An Advisory Board is created to assist the Virginia Resources Authority in managing the Fund. The Fund shall be used to make grants or loans to local governments for projects within the purposes of the Fund.

Patron - Callahan

: **HB1395 Local recordation fee.** Allows cities and counties to impose a fee not to exceed \$250 on all recorded instruments that are subject to the state recordation tax. The revenues generated by the fee are to be used by the locality for public school capital projects.

Patron - Cosgrove

: **HB1399 Local income tax and tax on food.** Allows localities to impose a local income tax at a rate of one-tenth of one percent on Virginia taxable income in excess of \$17,000 in order to replace the revenues they would receive from the sales tax on food, which is eliminated in this bill.

Patron - Ebbin

: **HB1409 Personal Property Tax Relief Act of 1998; repeal.** Repeals the Personal Property Tax Relief Act of 1998 effective January 1, 2005.

Patron - Armstrong

: **HB1428 Cigarette tax; nonparticipating manufacturers' fee on cigarettes.** Imposes a fee of 15 mills per cigarette (\$0.30 per pack) on cigarette manufacturers that are not participating in the Master Settlement Agreement. Nonparticipating manufacturers whose cigarettes are being offered for sale in the Commonwealth must pay the fee within 30 days after the effective date of the legislation while those whose cigarettes are not being offered for sale in the Commonwealth at the time the legislation take effect must prepay the fee, which will be not less than \$50,000. The legislation is effective on January 1, 2005.

Patron - Louderback

: **HB1431 Real estate tax; collection proceedings for delinquent taxes.** Provides that after suit is filed and lis pendens is recorded regarding the sale of real estate for delinquent taxes, any party that acquires an interest thereafter in the real estate is not a necessary party but may intervene to file a claim. The purpose is to prevent last minute sham transfers of title to property as a tax payment avoidance measure. This bill is incorporated into HB 1453.

Patron - Kilgore

: **HB1469 Individual income tax; indexing the age deduction.** Provides for the age deduction amounts of \$12,000 and \$6,000 to be indexed annually beginning in 2005 based on the Consumer Price Index for All Urban Consumers (CPI-U).

Patron - Shannon

: **HB1470 Individual income tax credit for certain real property tax increases.** Provides a state income tax credit for real property tax increases in excess of four percent for certain taxpayers on property located in localities that have a composite index of 0.7 or greater.

Patron - Shannon

: **HB1473 Virginia Fuels Tax Act.** Imposes an additional tax on each gallon of fuel currently taxed under the Virginia Fuels Tax Act at the rate of four percent of the state-wide average retail price per gallon of gasoline, increases the motor carrier road tax by the same rate, and increases the alternative use fee for certain motor carriers from \$100 to \$150. The additional revenues generated shall be distributed among the nine highway construction districts to be used for new road

construction within each district according to the following formula: 60 percent based on the percentage of the Commonwealth's total population residing within each district, and the remaining 40 percent based on the ratio of vehicle-miles traveled on the primary system in each district divided by the number of primary system lane miles in each district.

Patron - Hull

: **HB1488 Sales and use tax exemptions; commercial and industrial.** Eliminates numerous commercial and industrial sales and use tax exemptions.

Patron - Hamilton

: **SB74 State and local cigarette taxes.** Increases the state cigarette tax from 2.5 cents per pack to 65 cents per pack (based on 20 cigarettes in a pack). An amount equivalent to 40 cents per pack shall be deposited in a special fund titled "Local Government School Construction Fund." All such moneys deposited shall be distributed quarterly to counties and cities within 30 days after the end of each calendar quarter. Moneys in the Fund shall be distributed on a set per pupil amount, based on the latest actual adjusted average daily membership as determined by the Department of Education. All moneys distributed shall be used solely for public school construction, public school additions and renovations, including retrofitting and enlarging public school buildings; public school infrastructure, including technology infrastructure; site acquisition for public school buildings and public school facilities; or debt service payments on such projects completed subsequent to December 31, 1993. An amount equivalent to 25 cents per pack shall be deposited in a special fund titled "Virginia Health Care Fund." All such moneys deposited shall be used solely for the provision of health care services. The bill also authorizes all counties, cities, and towns to impose local cigarette taxes. The maximum local cigarette tax that may be imposed (i) between July 1, 2004, and July 1, 2005, is 20 cents per pack; (ii) between July 1, 2005, and July 1, 2006, is 35 cents per pack; and (iii) on or after July 1, 2006, is 50 cents per pack. Any county, city, or town imposing a local cigarette tax at a rate higher than these rates prior to December 1, 2003, may continue to impose the tax at such higher rate but no higher. This bill is incorporated into SB 465.

Patron - Howell

: **SB84 Sales and use tax exemption; Citizens United for Rehabilitation of Errants-Virginia, Inc.** Exempts from the retail sales and use tax beginning July 1, 2004, and ending July 1, 2008, tangible personal property purchased for use or consumption by a § 501 (c) (3) nonprofit corporation organized to improve the condition of prisoners and families affected by crime; reduce crime by promoting the creation and preservation of programs and policies directed at the rehabilitation of errants; and promote family and community ties during a person's incarceration.

Patron - Puller

: **SB85 Individual income tax; distributions from qualified tuition programs.** Provides that distributions from a qualified tuition program established under § 529 of the Internal Revenue Code, other than distributions from the Virginia College Savings Plan, shall be subject to Virginia's individual income tax.

Patron - Puller

: **SB91 Sales and use tax; exemption for certain contractors.** Exempts from paying the sales and use tax any person who contracts to perform services for and provides tangible personal property for consumption or use by the Commonwealth, any political subdivision of the Commonwealth, or the United States, if the Commonwealth, political subdivision,

or the United States certifies that title to such tangible personal property will pass to such governmental entity.

Patron - Devolites

: **SB111 Recordation tax; leases.** Provides that the tax on the recordation of leases of oil and gas rights and of outdoor advertising signs owned by a person in the business of outdoor advertising shall equal \$25. The bill sets a tax of \$50 on the recordation of leases of coal and other mineral rights. Under current law, the tax on the recordation of leases of oil and gas rights and of outdoor advertising signs may not exceed \$25, and the tax on the recordation of leases of coal and other mineral rights may not exceed \$50. The bill also provides that the tax on the recordation of a lease of a communications tower or a communications tower site shall be \$75. The tax on the recordation of each lease to affix communications equipment or antenna to any such tower or other structure shall be at a rate of \$15 for each tower or structure to which equipment or antenna is to be affixed. This bill is incorporated into SB 399.

Patron - Williams

: **SB121 Taxation of public service corporations real and personal property.** Limits the rate imposed by localities on generating equipment reported to the State Corporation Commission by electric suppliers to the local real estate tax rate.

Patron - Watkins

: **SB140 Real estate tax; limitation on tax rate.** Provides that an annual assessment, biennial assessment or general reassessment of real property may not result in more than a five percent increase in the total real estate tax levies for a county, city or town, with one exception. The bill also provides that a county, city or town may not set its real property tax for any tax year at a rate that would produce more than 105 percent of the previous year's total real property tax levies for such county, city or town, with one exception. The exception would allow a locality to multiply its current rate by the sum of (i) the rate of the population growth, plus (ii) the rate of inflation in the locality for the immediately preceding year. The average tax increase on individuals would not exceed five percent. However, some taxpayers could be above the average while others could fall below the average. Under current law, (a) the annual growth rate in a locality's total real estate taxes from an annual assessment, biennial assessment or general reassessment is not capped, provided the locality holds a public hearing in regard to its real property tax rate; and (b) there is no cap on real property tax rates.

Patron - Cuccinelli

: **SB147 Local taxes.** Authorizes all counties to impose excise taxes on cigarettes, admissions, transient room rentals, meals, and travel campgrounds beginning January 1, 2005, with no cap on the rate of tax, provided that any county increasing or first imposing any of these taxes on or after January 1, 2004, shall be subject to limits on the amount of annual revenue that may be generated from the county's real estate tax. For each of the first three tax years of such increase or initial imposition of such tax, the county shall set its rate of tax on real estate so as to produce total real estate tax revenues not to exceed the prior year's total real estate tax revenues adjusted for inflation and population minus the additional revenue estimated to be generated from any increase in county tax or new county tax that is to become effective in the tax year.

In no event, however, for any of the three years, may the county's total real estate tax revenues increase by more than five percent when compared to the previous year.

For every tax year following the initial three-year period, the county's revenues from real estate tax may not increase by more than five percent each year.

Patron - Cuccinelli

: **SB188 Real estate tax on leasehold interests.** Provides that no local real estate tax may be imposed on a leasehold interest where (i) the property being leased is a qualifying facility under the Public-Private Education Facilities and Infrastructure Act of 2002, (ii) the leasehold interest is held by the operator of the qualifying facility, and (iii) the operator is carrying on a trade or business at the location of the qualifying facility.

Patron - Puller

: **SB213 Food and beverage tax imposed without referendum; Giles County.** Permits Giles County to impose a food and beverage tax by adoption of local ordinance, not by referendum.

Patron - Edwards

: **SB247 Real estate tax; credit for permanent easements.** Allows localities to provide by ordinance for a credit against the real estate tax for permanent easements granted by taxpayers on property used for public purposes within the locality.

Patron - Deeds

: **SB253 Sales and use tax exemption; Clinch Independent Living Services Inc.** Exempts from the retail sales and use tax beginning July 1, 2004, and ending July 1, 2008, tangible personal property purchased for use or consumption by a § 501 (c) (3) nonprofit corporation operated by and for people with disabilities and that provides information and referral, peer counseling, independent living skills, and advocacy services to and on behalf of people with disabilities.

Patron - Puckett

: **SB269 State and local cigarette taxes.** Increases the state cigarette tax from 2.5 cents per pack to \$1 per pack and appropriates the revenues collected from such increase for state police officers' salaries, deputy sheriffs' salaries, K through 12 teachers' salaries, and Medicaid funding. The bill also caps local cigarette taxes at the rates in effect on January 1, 2004. This bill is incorporated into SB 269.

Patron - Potts

: **SB281 Taxation; personal exemption.** Increases the individual income tax personal exemption amount from \$800 to \$1,200 beginning with the 2004 taxable year. This bill is incorporated into SB 635.

Patron - Wampler

: **SB305 Taxation; secrecy of information; right of subject of tax records.** Clarifies that the prohibition against the release of any information acquired by any state or local tax or revenue officer or employee with respect to the transactions, property, including personal property, income or business of any person, firm or corporation shall not be construed to prohibit the disclosure of a tax return to any person who is the subject thereof.

Patron - O'Brien

: **SB356 Transportation authorities of the Commonwealth.** Creates a transportation authority for each of the nine current construction districts. The transportation authorities are to be funded from increases in the motor vehicle sales and use tax. The tax is increased from three to five percent for sales of motor vehicles and from four to six percent for the rental of motor vehicles. The transportation authorities are

given the responsibility for planning and providing for the transportation needs of the counties and cities embraced by the authority. The transportation authorities may use their share of motor vehicle sales and use tax revenues to acquire or construct transportation facilities, and may issue bonds for such purposes and provide security for bonds with their allocable share of motor vehicle sales and use tax revenues. The provisions of the bill are effective January 1, 2005.

Patron - Colgan

: **SB357 Transportation authorities of the Commonwealth.** Creates a transportation authority for each of the nine current construction districts. The transportation authorities shall be funded from a seven cent increase in the fuels tax on gasoline, diesel fuel, and alternative fuels. Under the bill the tax on gasoline would increase from 17.5 cents per gallon to 24.5 cents per gallon, and the tax on diesel fuel and alternative fuels would increase from 16 cents per gallon to 23 cents per gallon. Each Transportation Authority's share of such revenues shall be determined on a pro rata basis according to the population of the counties and cities embraced by each Authority as compared to the total population of the Commonwealth. The transportation authorities are given the responsibility for planning and providing for the transportation needs of the counties and cities embraced by the authority. The transportation authorities may use their share of fuels tax revenues to acquire or construct transportation facilities, and may issue bonds for such purposes and provide security for bonds with their allocable share of fuels tax revenues. The provisions of the bill are effective January 1, 2005. This bill is incorporated into SB 635.

Patron - Colgan

: **SB367 Transient occupancy tax; certain regions.** Provides for an additional one percent transient occupancy tax for any two or more contiguous counties or cities if the revenues are used for debt service for a performing arts center and to advertise, promote or provide incentives to attract convention business to the region.

Patron - Watkins

: **SB378 Virginia estate tax.** Exempts estates from the Virginia estate tax if the majority of the total estate is comprised of agricultural property, a closely held business or a non-corporate business. This bill is incorporated into SB 635.

Patron - Deeds

: **SB392 Estate tax.** Conforms the amount of Virginia estate tax due from an estate to the maximum amount of the federal estate tax credit for state estate taxes, as permitted under federal estate tax law, as such law shall be amended from time to time. Under current law the amount of Virginia estate tax cannot be less than the federal credit under federal law as such law existed on January 1, 1978. This bill is incorporated into SB 635 and is identical to HB 4 and HB 1134.

Patron - Norment

: **SB411 Virginia Tiered Incentive Program.** Establishes a program for providing corporate income tax credits for creation of jobs in economically distressed localities. The amount of the credit will be based on factors such as median household income and rates of unemployment. The Tax Commissioner shall promulgate regulations that are necessary or desirable to carry out the provisions of the act. This bill is a recommendation of the Rural Virginia Prosperity Commission.

Patron - Ruff

: **SB424 Local license tax; contractors engaged in the business of storing, maintaining, or repairing vessels.**

Provides that any contractor who is primarily engaged in the business of storing, maintaining, or repairing vessels for use on water may elect to be classified for local license taxation purposes as a manufacturer. Contractors making the election shall be deemed to be manufacturers for local license tax purposes. Currently, manufacturers are exempt from local license taxes and fees.

Patron - Norment

: **SB439 Sales and use taxes; City of Hampton.** Dedicates to the City of Hampton two percent of the 3.5 percent state general sales tax and all of the watercraft sales tax from sales of boats taking place in the City and from sales made by boating businesses located in the City. The City shall use such revenues for enhancing and improving recreation opportunities for boaters and anglers and to fund or implement environmental conservation initiatives.

Patron - Locke

: **SB446 Income tax; personal exemption amount.** Increases, beginning with the January 1, 2004, taxable year, the personal exemption for Virginia taxable income purposes from \$800 to \$1,200 for each personal exemption allowable to the taxpayer for federal income tax purposes. For taxable years beginning on or after January 1, 2005, the \$1,200 personal exemption will increase based upon annual increases in the Consumer Price Index. This bill is incorporated into SB 635.

Patron - Rerras

: **SB455 Taxation; cigarettes and tobacco products.** Increases the excise tax on cigarettes from two and one-half cents to 75 cents per pack. Also imposes an excise tax of three percent on noncigarette tobacco products, such as cigars, snuff and chewing tobacco. The tax on noncigarette tobacco products is to be implemented in a manner similar to the present taxation of cigarettes. This bill is incorporated into SB 465.

Patron - Whipple

: **SB458 Sales tax on motor fuels.** Increases from two to four percent the sales tax on fuels in every county or city situated in the Northern Virginia Transportation District.

Patron - Whipple

: **SB465 Taxation; cigarettes and tobacco products.** Increases the state excise tax on cigarettes from two and one-half cents to 20 cents per pack on July 1, 2004, and 35 cents per pack beginning July 1, 2005. The bill also provides for a 10 percent tax on other tobacco products at the wholesale level. The tax on other tobacco products is paid monthly through the filing of returns. All revenue from cigarette and other tobacco products taxes would be deposited into a special fund known as the Virginia Health Care Fund. Moneys deposited to the fund would be used solely for the provision of health care services including, but not limited to Medicaid payments, disease diagnosis, prevention and control, and community health services.

Patron - Chichester

: **SB466 Income tax; the Commonwealth's system of taxation and conformity of terms.** Changes the date that Virginia conforms with the provisions of the Internal Revenue Code from December 31, 2002, to December 31, 2003. The bill also contains an emergency clause and is identical to SB 526 and HB 107.

Patron - Chichester

: **SB467 Taxation; A Commonwealth of Opportunity Plan.** Sets out the governor's tax plan which would (i) lower the income tax for most Virginians by increasing the per-

sonal exemption amount from \$800 to \$1,000, increasing the standard deduction amount to \$4,000 for singles and married filing separately and to \$8,000 for married filing jointly, and raising the filing thresholds to \$7,000 and \$14,000, (ii) reduce the food tax by 1.5 cents and add 1 cent to the sales and use tax, (iii) tighten certain corporate income tax provisions, (iv) increase Virginia's state cigarette tax to 25 cents per pack to pay for health care needs while giving counties the authority to levy the tax up to a cap, (v) complete the plan to end the car tax on personal vehicles valued at \$20,000 or less, (vi) eliminate the estate tax for certain working farms and family-owned businesses, (vii) end the accelerated sales tax collection for retailers, (viii) provide incentives for small and mid-size businesses to invest, and (ix) streamline collection of the state sales tax. The bill also amends § 58.1-3833 by authorizing a local meals tax of up to four percent in counties. This section already reads that the local meals tax in counties shall not exceed four percent. However, the section, as published, is incorrect. It includes language setting the local meals tax rate, which amendatory language was dependent upon passage of the 2002 transportation referendums (See Chapter 853 of the Acts of Assembly of 2002). As the referendums did not pass, such amendatory language never became law. The change to § 58.1-3833 is technical in nature. It sets out the Code section as it should have been published and amends the section to clarify current law that authorizes counties to impose a local meals tax up to four percent. This bill is incorporated into SB 635.

Patron - Chichester

: **SB502 Local property taxes; motor homes.** Caps the tangible personal property tax rate on motor homes at the rate of tax and rate of assessment applicable to real estate in the county, city, or town.

Patron - Mims

: **SB512 Transient occupancy tax; Fairfax County.** Provides for an additional two percent transient occupancy tax in Fairfax County beginning July 1, 2004, subject to the board of supervisors of the county appropriating the revenues from such tax to a nonprofit convention and visitor's bureau and for tourism promotion in the County. No more than 75 percent of the revenues from such tax shall be designated and appropriated for tourism promotion; the remaining portion of such revenues shall be designated for and appropriated to a nonprofit convention and visitor's bureau located in Fairfax County.

Patron - Mims

: **SB515 Individual income tax.** Provides a subtraction from taxable income for the first \$15,000 of salary of local public school board employees whose annual salary is \$15,000 or less. Under current law, federal and state employees whose annual salary is \$15,000 or less may subtract their salary income in computing taxable income for individual income tax purposes. The subtraction may be taken for taxable years beginning on or after January 1, 2005.

Patron - Hanger

: **SB530 Taxation; omnibus tax plan.** Sets out the tax plan which would (i) increase the personal exemption amount from \$800 to \$2,500, and increase the standard deduction amount to \$3,500 for singles and married filing separately and to \$7,000 for married filing jointly, and raise the filing thresholds to \$7,000 and \$13,000, (ii) make food fully subject to sales and use tax but provide a refundable tax credit for the sales tax paid on food equal to \$40 per person, (iii) tighten certain corporate income tax provisions, (iv) increase Virginia's state cigarette tax to 30 cents per pack, distribute all state cigarette tax revenues to local governments, and repeal all local cigarette taxes, (v) beginning January 1, 2005, provide per-

sonal property tax relief at 100 percent on personal use vehicles, regardless of vehicle value, (vi) conform the amount of Virginia estate tax due from an estate to the maximum amount of the federal estate tax credit for state estate taxes, (vii) end the accelerated sales tax collection for retailers, (viii) increase the retail sales and use tax by one-half percent to five percent, (ix) change Virginia's individual income tax brackets and add a six percent and 6.5 percent income tax bracket, (x) make the age deduction dependent upon federal adjusted gross income, and (xi) increase the tax on motor fuels by an additional five cents per gallon. The bill also amends § 58.1-3833 by authorizing a local meals tax of up to four percent in counties. This section already reads that the local meals tax in counties shall not exceed four percent. However, the section, as published, is incorrect. It includes language setting the local meals tax rate, which amendatory language was dependent upon passage of the 2002 transportation referendums (See Chapter 853 of the Acts of Assembly of 2002). As the referendums did not pass, such amendatory language never became law. The change to § 58.1-3833 is technical in nature. It sets out the Code section as it should have been published and amends the section to clarify current law that authorizes counties to impose a local meals tax up to four percent. This bill is incorporated into SB 635.

Patron - Hanger

: **SB589 Taxation; reform package.** Makes several changes to the state tax code as follows: (i) increases the income tax personal exemption amount from \$800 to \$2,500, (ii) increases the income tax standard deduction amount to \$3,500 for singles and married filing separately and to \$7,000 for married filing jointly; (iii) adds and expands the income tax rates, with a top rate of seven and one-half percent on income greater than \$100,000; (iv) eliminates the low-income tax credit and the age deduction; (v) provides an income tax credit for sales taxes paid that is income-based; (vi) eliminates the sales tax on food and expands the sales tax to include consumer services; and (vii) tightens certain corporate income tax provisions, and increases the rate from six percent to seven and one-half percent. This bill is incorporated into SB 635.

Patron - Lucas

: **SB635 Omnibus tax bill.** Makes several changes to the taxes and fees of the Commonwealth as follows: Corporate income tax: the bill tightens certain corporate income tax provisions.

Sales and use tax: the bill increases the state sales tax from 3.5 percent to 4.5 percent and dedicates a portion of the revenues generated to the Virginia Water Quality Improvement Fund and the Virginia Land Conservation Fund; reduces the state sales tax on food to one percent; eliminates the current sales tax exemption benefiting certain trucking companies; and eliminates provisions requiring vendors to make accelerated sales and use tax payments.

Individual income tax: the bill adds new tax brackets of 6.25 percent for income between \$100,000 and \$150,000 and 6.5 percent for income above \$150,000; increases the standard deduction for single taxpayers to \$3,500 and to \$7,000 for married taxpayers; increases the personal exemption amount to \$1,000; increases the filing threshold for married taxpayers to conform to the new level of standard deduction and personal exemption; applies a means test to the age deduction tax preference, but includes conditional grandfathering provisions for taxpayers at least age 62 as of December 31, 2003; and in tax year 2004, eliminates eligibility for the \$6,000 age deduction for those born after December 31, 1941.

Estate tax: Eliminates the estate tax on estates (i) of \$10 million or less and (ii) where the majority of the assets of the total estate are an interest in a closely held business or a working farm.

Insurance license tax: The bill repeals current law dedicating one-third of all insurance license taxes to the Priority Transportation Fund.

Recordation tax, titling tax, fuels tax, and motor vehicle registration fees: Increases the recordation tax from 15 cents to 30 cents per \$100 and dedicates \$80 million of the revenues from the increase, in both Fiscal Year 2005 and Fiscal Year 2006, to the Rainy Day Fund; and beginning in Fiscal Year 2007, all revenues from the increase are dedicated to the General Fund. The bill increases the daily rental tax on motor vehicles from four percent to six percent and dedicates the revenues from the increase to the General Fund.

The bill also increases the titling tax on motor vehicles from three percent to 4.5 percent; increases motor vehicle registration fees by \$10 annually; increases the gasoline tax by three cents per gallon and the tax on diesel fuel by 4.5 cents per gallon; and imposes an additional 5.5 percent wholesale tax on gasoline and diesel fuel. The revenues from these increases are dedicated to the Transportation Trust Fund.

Patron - Chichester

: **SB643 Local food and beverage tax.** Adds Fairfax County to the counties authorized to impose a local food and beverage tax at a rate not exceeding four percent by adoption of a local ordinance, rather than after a referendum vote.

Patron - Saslaw

: **SB675 Nonparticipating manufacturers; monthly fee.** Imposes a fee of 15 mills on each cigarette sold or distributed in the Commonwealth by a nonparticipating manufacturer. The fee shall be collected monthly by the Department of Taxation from nonparticipating manufacturers. Nonparticipating manufacturers are required to remit the fee in conjunction with filing a monthly return by the twentieth of each month stating the number of cigarettes it sold or distributed in the Commonwealth in the immediately preceding month.

Patron - Puckett

: **SB676 Virginia Cultural Economic Development Revolving Fund.** Creates the Virginia Cultural Economic Development Revolving Fund ("Fund") for the purposes of improving the cultural institutions and organizations and economic development prospects and interests of the Commonwealth through collaboration with Virginia's local governments. An advisory board is created to assist the Virginia Resources Authority in managing the Fund. The Fund shall be used to make grants or loans to local governments for projects within the purposes of the Fund. The state vehicle rental tax is increased from four percent to six percent, with the additional revenues from such increase to be deposited into the Fund.

Patron - Wampler

: **SB682 Sales tax exemptions; commercial and industrial exemptions.** Repeals the sales and use tax exemption benefiting certain public service corporations and clarifies that the industrial manufacturing exemption does not apply to tangible personal property where the preponderance of its use is in distributing gas, electricity, power, any other source of energy or power, or water to customers. This bill is incorporated into SB 635.

Patron - Watkins

: **SB683 Corporate income tax; add back for related companies.** Describes permissible and impermissible transactions between interrelated companies for purposes of calculating their Virginia corporate income tax liability. In general, a company is required to add back interest expenses and costs and intangible expenses and costs relating to transactions with one or more related entities, but several exceptions are

provided to protect legitimate interrelated company transactions that have economic substance and reflect valid arm's length standards. This bill is incorporated into SB 635.

Patron - Watkins

: **SB692 Sales and use tax exemption; Pilot Club International Luncheon Pilot Club of Chesapeake.** Exempts from the retail sales and use tax beginning July 1, 2004, and ending July 1, 2008, tangible personal property purchased for use or consumption by a § 501 (c) (4) nonprofit organization that provides services to persons with brain-related disabilities and disorders.

Patron - Blevins

Carried Over

7 HB50 Virginia Baseball Stadium Authority. Extends the Authority's entitlement to certain income and sales and use taxes through January 1, 2008. The Authority would be entitled to income and sales and use tax revenues generated from (i) activities conducted on the premises or within a major league baseball stadium; and (ii) transactions made in connection with the development and construction of a major league baseball stadium. The entitlement to these revenues will expire on January 1, 2008, unless, before that time, the Authority executes a lease with a major league baseball team.

Patron - Callahan

7 HB88 Corporate income tax; Virginia Entrepreneurial Encouragement Program. Creates the Virginia Entrepreneurial Encouragement Program, which provides tax incentives to start-up businesses during the first three years of their existence. The incentives are the exemption from income tax for the first two years and a reduced income tax rate (one-half of the corporate income tax rate) for the third year. The program applies to businesses created on or after January 1, 2004, but no later than December 31, 2006.

Patron - Purkey

7 HB101 Individual income tax; indexing tax brackets and personal exemptions. Requires that the individual income tax brackets and personal exemption amounts be indexed annually by the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U), for taxable years beginning on and after January 1, 2005.

Patron - Cole

7 HB108 Tax reform; income tax, sales and use tax, estate tax, and local license taxes. Makes numerous changes to the income tax and sales and use tax, repeals local license taxes, essentially repeals the estate tax over a two-year period, and eliminates the accelerated sales tax payments by certain vendors. Regarding sales and use taxes, the bill reduces the total state rate from 3.5 percent to three percent, repeals most exemptions, exempts food from the tax, and extends imposition of the tax to most services. Regarding income taxes, the bill creates a new set of individual income tax rates and eliminates almost all exemptions, deductions, subtractions and credits for calculating taxable income. The only remaining deductions are for social security income and income earned on obligations of the federal government included in federal adjusted gross income. The changes are effective for taxable

years beginning on or after January 1, 2005. The new rates are as follows:

Virginia Taxable Income Level	Single Taxpayer	Married Taxpayer
\$0 - \$15,000	0%	0%
\$15,001 - \$25,000	3.5%	0%
\$25,001 - \$30,000	4%	0%
\$30,001 - \$50,000	5.5%	5.5%
\$50,001 and above	6.25%	6.25%

Patron - Louderback

7 HB117 Commonwealth Private Investment Inducement Act of 2004. Dedicates one-third of the annual insurance license tax revenue to transportation projects in highway construction districts based on the percentage of the population of the Commonwealth residing in each such district. The portion of such revenues that otherwise would be distributed to: (i) the Northern Virginia Construction District is instead deposited into the Northern Virginia Investment Fund, created under the bill, and used to finance bonds in an amount not to exceed \$350 million for specific transportation projects; (ii) the Hampton Roads Construction District is instead deposited into the Hampton Roads Investment Fund, created under the bill, and used to finance bonds in an amount not to exceed \$350 million for specific transportation projects in that area; and (iii) the Bristol, Salem, and Staunton Construction District is instead deposited into the Western Virginia Investment Fund, created under the bill, and used to finance bonds in an amount not to exceed \$350 million for specific transportation projects in that area. The amount of such bond proceeds utilized must be matched by equal or greater funds from private entities, localities, or both, unless certain conditions exist.

Patron - Marshall, R.G.

7 HB149 Taxation; information returns filed by pass-through entities; penalty. Requires pass-through entities (limited partnerships, limited liability partnerships, general partnerships, limited liability companies, professional limited liability companies, business trusts and Subchapter S corporations) doing business in Virginia or having income from Virginia sources to file an information return with the Tax Commissioner by the fifteenth of the fourth month after the end of the entity's taxable year. The pass-through entity is not liable for any tax, but its owners as individuals may be. Any officer or owner of a pass-through entity who makes a fraudulent return or statement with the intent of assisting or facilitating the evasion of taxes shall be guilty of a Class 6 felony and subject to a \$1,000 maximum penalty.

Patron - Albo

7 HB174 State recordation tax; additional distribution to localities. Provides that 50 percent of the amount of state recordation tax collected in excess of \$80 million shall be distributed, beginning June 30, 2005, and each year thereafter, to the counties and cities based on the percentage of recordation taxes collected in each county and city. The remaining 50 percent would be deposited in the state's general fund. The additional amount above \$80 million distributed to counties and cities would be used for land preservation.

Patron - Lewis

7 HB218 Virginia Baseball Stadium Authority. Changes the Authority's entitlement to certain income and sales and use taxes from January 1, 2005, to July 1, 2004. The Authority would be entitled to income and sales and use tax revenues generated from (i) activities conducted on the pre-

mises or within a major league baseball stadium; and (ii) transactions made in connection with the development and construction of a major league baseball stadium. The entitlement to these revenues will expire on July 1, 2004, unless, before that time, the Authority executes a lease with a major league baseball team.

Patron - Brink

7 HB284 Income tax; tax credit for certain health care practitioners. Provides an income tax credit to health care practitioners who provide free medical services to indigent persons who cannot pay for the services themselves. The amount of the credit is equal to 25 percent of the fee the practitioner would charge for the service, not to exceed \$1,000 annually for any practitioner. The credit would be available for taxable years beginning on or after January 1, 2005.

Patron - Cosgrove

7 HB299 Income tax; indexing the personal exemption amount. Requires the \$800 personal exemption to be indexed annually according to the federal government's prior fiscal year CPI-U for taxable years beginning January 1, 2005.

Patron - Ware, R.L.

7 HB311 Tax exemptions for nonprofit entities. Adds items to the list of administrative costs, which may not exceed 40 percent of annual gross revenues.

Patron - Purkey

7 HB361 Admissions tax; Charles City County. Permits Charles City County to impose an admissions tax.

Patron - Miles

7 HB367 Income tax; voluntary contribution checkoff for Virginia First Responders Fund. Allows taxpayers who are entitled to an income tax refund to contribute such refund to the Virginia First Responders Fund for taxable years beginning on or after January 1, 2005. The Fund shall be used to purchase protective gear and other materials needed by Virginia's first responders, who respond to various terrorist-related situations, and shall be administered by the Department of Fire Programs.

Patron - Rust

7 HB458 Taxation; individual income and sales and use taxes. Repeals the individual income tax and increases the sales and use tax from 4.5 percent to 9.5 percent. The provisions of the bill will be effective for taxable years beginning on or after January 1, 2006, if reenacted by the 2005 General Assembly Session.

Patron - Athey

7 HB587 Income tax; refund of surplus revenues. Requires the refund of surplus revenues to taxpayers when such surplus revenues exceed the amount required to be deposited in the Revenue Stabilization Fund by at least \$50 million. The Department of Taxation shall make refunds based on each taxpayer's pro rata share of excess revenues collected in the calendar year in which the fiscal year surplus is determined. The taxpayer must have filed an income tax return for such calendar year.

Patron - Janis

7 HB720 Sales and use tax; exemption for certain contractors. Exempts from paying the sales and use tax any person who contracts to perform services for and provides tangible personal property for consumption or use by the Commonwealth, any political subdivision of the Commonwealth, or the United States, if the Commonwealth, political subdivision,