

2020 SESSION HIGHLIGHTS

The *2020 Session Highlights* summarizes significant legislation considered by the 2020 Session of the General Assembly as selected by the staff of the Virginia Division of Legislative Services. The brief overview of the 2020 Session covers legislative actions through sine die on Thursday, March 12, 2020. Bills are differentiated as Passed, Failed, or Carried Over. Passed bills are subject to review and veto by the Governor; thus, some of the bills listed as passed in this volume may be amended and some may not become law.

Agriculture/Natural Resources

Passed

HB 119 Milk; definition; misbranding; prohibition. Defines "milk" as the lacteal secretion of a healthy hooved mammal and provides that a food product is unlawfully misbranded if its label states that it is milk and it fails to meet such definition, except for human breast milk. The bill directs the Board of Agriculture and Consumer Services to implement a plan to ban all products misbranded as milk. The bill does not become effective until six months after the enactment, on or before October 1, 2029, of a similar act in any 11 of 14 specified states.

HB 534/SB 11 Local disposable plastic bag tax. Authorizes any county or city, beginning no earlier than January 1, 2021, to impose a tax of five cents per bag on disposable plastic bags provided to consumers by certain retailers, with certain bags being exempt from the tax. The bill allows every retailer that collects the tax to retain a portion of the five-cent tax and provides that the revenue accruing to the county or city shall be used for certain purposes, including environmental cleanup and the provision of reusable bags. The measure authorizes the Tax Commissioner to administer the tax.

HB 981/SB 1027 Clean Energy and Community Flood Preparedness Act; fund. Directs the Department of Environmental Quality to incorporate into regulations previously adopted by the State Air Pollution Control Board certain provisions establishing a carbon dioxide cap and trade program to reduce emissions released by electric generation facilities. Such provisions are required to comply with the Regional Greenhouse Gas Initiative model rule. The bill authorizes the Director of the Department of Environmental Quality to establish, implement, and manage an auction program to sell allowances into a market-based trading program. The bill requires revenues from the sale of carbon allowances, to the extent permitted by Article X, Section 7 of the Constitution of Virginia, to be deposited in an interest-bearing account and to be distributed without further appropriation (i) to the Virginia Community Flood Preparedness Fund; (ii) to the Department of Housing and Community Development for low-income energy efficiency programs; (iii) for administrative expenses; and (iv) to the Department of Housing and Community Development in partnership with the Department of Mines, Minerals and Energy

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to administer and implement low-income energy efficiency programs. The bill authorizes any locality using moneys in the Fund to provide a loan for a project in a low-income geographic area to forgive the principal of such loan, with the obligation of the locality to repay the loan remaining in effect. The bill also provides that if the Governor seeks to include the Commonwealth as a full participant in the Regional Greenhouse Gas Initiative, the regulations shall require that certain purchasers be responsible for obtaining allowances under certain agreements. The bill authorizes the costs of allowances to be recovered by Phase I and Phase II Utilities from ratepayers and continues the Virginia Shoreline Resiliency Fund as the Virginia Community Flood Preparedness Fund for the purpose of creating a low-interest loan program to help inland and coastal communities that are subject to recurrent or repetitive flooding.

HB 1422/SB 704 Chesapeake Bay Watershed Implementation Plan initiatives; nutrient management plans; stream exclusion. Sets December 31, 2025, as the target date to achieve the water quality goals contained in Virginia's final Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan (WIP). The bill provides that if the Secretary of Agriculture and Forestry and the Secretary of Natural Resources (the Secretaries) jointly determine on or after July 1, 2026, that such goals have not been met by a combination of agricultural best management conservation practices, including the coverage of a sufficient portion of Chesapeake Bay cropland by nutrient management plans or the installation of a sufficient number of livestock stream exclusion practices, then certain provisions requiring the use of nutrient management plans and livestock stream exclusions shall become effective. The bill directs the Secretaries to convene a stakeholder advisory group to review annual progress toward the implementation of agricultural commitments in the WIP, develop a process to assist in creating nutrient management plans, and develop a plan for the stream exclusion program. The measure also directs the Virginia Soil and Water Conservation Board to establish by December 31, 2020, the official method for identifying perennial streams and directs the Department of Conservation and Recreation to establish by July 1, 2021, a portable stream fencing practice for inclusion in the Virginia Agricultural Best Management Practice Cost-Share Program.

HB 1448/SB 791 Management of the menhaden fishery. Requires the Virginia Marine Resources Commission to adopt regulations necessary to manage Atlantic menhaden, including those necessary to comply with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Menhaden. The bill repeals several Code sections relating to quotas, allocation of allowable landings, and administrative procedures that will be included in a regulatory framework for managing the fishery. The bill directs the

Commissioner of Marine Resources to establish a Menhaden Management Advisory Committee to provide guidance to the Commission. The bill contains an emergency clause and was signed by the Governor on March 8.

HB 1552/SB 272 Tethering animals; adequate shelter and space. Provides that the outdoor tethering of an animal does not meet the requirement of adequate shelter during a hurricane warning or tropical storm warning or if the animal is not safe from predators or well suited or equipped to tolerate its environment. The bill provides that unless an animal control officer has inspected an animal's individual circumstances and determined it to be safe from predators and well suited and equipped to tolerate its environment, no such outdoor tethering during a heat advisory, a severe weather warning, or a period when the temperature is 85 degrees Fahrenheit or higher or 32 degrees Fahrenheit or lower shall constitute the provision of adequate shelter. The measure increases the minimum tether length required to constitute adequate space to 15 feet in length or four times the length of the animal, whichever is greater. Current law requires the tether to be at least 10 feet in length or three times the length of the animal, whichever is greater. The bill provides an exception for a case in which an animal control officer, having inspected an animal's individual circumstances, determines that a shorter tether of at least 10 feet or three times the length of the animal makes the animal safer, more suited, and better equipped to tolerate its environment than a longer tether would.

Alcoholic Beverage Control

Passed

HB 390/SB 389 Alcoholic beverage control; license and fee reform. Reorganizes all alcoholic beverage control licenses pursuant to the three-tier structure and license privileges, consolidates many licenses with common privileges, aligns license fee amounts with enforcement demands, and standardizes quantity limits on alcohol samples. The bill has a delayed effective date of July 1, 2021.

Failed

SB 688 Alcoholic beverage control; distillers' licenses; remote stores and tasting rooms. Allows a licensed distiller who operates a government store for the sale of spirits to (i) conduct tastings and (ii) sell spirits for off-premises consumption at four additional locations designated in the license.

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Commerce and Labor

Passed

HB 395/SB 7 Minimum wage. Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$9.50 per hour effective January 1, 2021; to \$11.00 per hour effective January 1, 2022; to \$12.00 per hour effective January 1, 2023; to \$13.50 per hour effective January 1, 2025; and to \$15.00 per hour effective January 1, 2026. For January 1, 2027, and thereafter, the annual minimum wage will be adjusted to reflect increases in the consumer price index. The measure creates a training wage at 75 percent of the minimum wage for employees in on-the-job training programs lasting less than 90 days. The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the Fair Labor Standards Act; persons employed in domestic service or in or about a private home; persons who normally work and are paid on the amount of work done; persons with intellectual or physical disabilities except those whose employment is covered by a special certificate issued by the U.S. Secretary of Labor; persons employed by an employer who does not employ four or more persons at any one time; and persons who are less than 18 years of age and who are under the jurisdiction of a juvenile and domestic relations district court. The measure provides that the Virginia minimum wage does not apply to persons participating in the U.S. Department of State's au pair program, persons employed as temporary foreign workers, and persons employed by certain amusement or recreational establishments, organized camps, or religious or nonprofit educational conference centers.

HB 1251/SB 172 Health insurance; payment to out-of-network providers; balance billing. Provides that when an enrollee receives emergency services from an out-of-network health care provider or receives out-of-network surgical or ancillary services at an in-network facility, the enrollee is not required to pay the out-of-network provider any amount other than the applicable cost-sharing requirement and such cost-sharing requirement cannot exceed the cost-sharing requirement that would apply if the services were provided in-network. The measure also provides that the health carrier's required payment to the out-of-network provider of the services is a commercially reasonable amount based on payments for the same or similar services provided in a similar geographic area. If such provider disputes the amount to be paid by the health carrier, the measure requires the provider and the health carrier to make a good faith effort to reach a resolution on the amount of the reimbursement. If the health carrier and the provider do not agree to a commercially reasonable payment and either party wants to take further action to resolve the dispute, then the measure requires the dispute will be resolved by arbitration. The measure

establishes a framework for arbitration of such disputes that includes (i) a timeline for the proceedings, (ii) a method for choosing an arbitrator, (iii) required and optional factors for the arbitrator to consider, (iv) nondisclosure agreements, (v) reporting requirements, and (vi) an appeals process for appeals on certain procedural grounds. The measure requires the State Corporation Commission to contract with Virginia Health Information (VHI) to establish a data set and business protocols to provide health carriers, providers, and arbitrators with data to assist in determining commercially reasonable payments and resolving disputes. The measure requires the Commission, in consultation with health carriers, providers, and consumers, to develop standard language for a notice of consumer rights regarding balance billing. The measure authorizes the Commission, the Board of Medicine, and the Commissioner of Health to levy fines and take action against a health carrier, health care practitioner, or medical care facility, respectively, for a pattern of violations of the prohibition against balance billing. Additionally, the measure prohibits a carrier or provider from initiating arbitration with such frequency as to indicate a general business practice. The measure provides that such provisions do not apply to an entity that provides or administers self-insured or self-funded plans; however, such entities may elect to be subject to such provisions. The measure authorizes the Commission to adopt rules and regulations governing the arbitration process. The measure has a delayed effective date of January 1, 2021.

HB 1526/SB 851 Virginia Clean Economy Act. Establishes a schedule by which Dominion Energy Virginia and American Electric Power are required to retire electric generating units located in the Commonwealth that emit carbon as a byproduct of combusting fuel to generate electricity and by which they are required to construct, acquire, or enter into agreements to purchase generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind. The measure replaces the existing voluntary renewable energy portfolio system (RPS) program with a mandatory RPS. Under the mandatory RPS, Dominion Energy Virginia and American Electric Power are required to produce their electricity from 100 percent renewable sources by 2045 and 2050, respectively. A utility that does not meet its targets is required to pay a specific deficiency payment or purchase renewable energy certificates. The proceeds from the deficiency payments are to be deposited into an account administered by the Department of Mines, Minerals and Energy, which is directed to distribute specific percentages of the moneys to job training and renewable energy programs in historically economically disadvantaged communities, energy efficiency measures, and administrative costs. The measure requires the State Air Pollution Control Board to adopt regulations to reduce the carbon dioxide emissions from certain electricity generating units in the

Commonwealth and authorizes the Board to establish, implement, and manage an auction program to sell allowances to carry out the purposes of such regulations and to utilize its existing regulations to reduce carbon dioxide emissions from electric power generating facilities. Among other things, the measure also (i) requires, by 2035, American Electric Power and Dominion Energy Virginia to construct or acquire 400 and 2700 megawatts of energy storage capacity, respectively; (ii) establishes an energy efficiency standard under which each investor-owned incumbent electric utility is required to achieve incremental annual energy efficiency savings that start in 2022 at 0.5 percent for American Electric Power and 1.25 percent for Dominion Energy Virginia of the average annual energy retail sales by that utility in 2019 and increase annually; (iii) exempts large general service customers from energy savings requirements; (iv) revises the incentive for electric utility energy efficiency programs; (v) provides that if the Commission finds in any triennial review that revenue reductions related to energy efficiency measures or programs approved and deployed since the utility's previous triennial review have caused the utility to earn more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for Dominion Energy Virginia and after December 31, 2013, for American Electric Power, more than 70 basis points below a fair combined rate of return on its generation and distribution services, the Commission shall order increases to the utility's rates for generation and distribution services necessary to recover such revenue reductions; (vi) establishes requirements regarding the development by Dominion Energy Virginia of qualified offshore wind projects having an aggregate rated capacity of not less than 5,200 megawatts by January 1, 2034, and that in constructing any such facility, the utility shall (a) identify options for utilizing local workers; (b) identify the economic development benefits of the project for the Commonwealth, including capital investments and job creation; (c) consult with relevant governmental entities, including the Commonwealth's Chief Workforce Development Officer and the Virginia Economic Development Partnership, on opportunities to advance the Commonwealth's workforce and economic development goals, including furtherance of apprenticeship and other workforce training programs; and (d) give priority to the hiring, apprenticeship, and training of veterans, local workers, and workers from historically economically disadvantaged communities; (vii) requires each utility to include, and the Commission to consider, in any application to construct a new generating facility the social cost of carbon, as determined by the Commission, as a benefit or cost, whichever is appropriate; (viii) removes provisions that authorize nuclear and offshore wind generating facilities to continue to be eligible for an enhanced rate of return on common equity during the construction phase of the facility and the approved first portion

of its service life of between 12 and 25 years in the case of a facility utilizing nuclear power and for a service life of between 5 and 15 years in the case of a facility utilizing energy derived from offshore wind; (ix) removes a provision that declares that planning and development activities for new nuclear generation facilities are in the public interest; (x) increases the limit from 5,000 megawatts to 16,100 megawatts on those solar and onshore wind generation facilities that are declared to be in the public interest and increases the limit from 16 megawatts to 3,000 megawatts on those offshore wind generation facilities that are declared to be in the public interest; (xi) amends the net energy metering program by increasing the maximum capacity of renewable generation facilities of participating nonresidential eligible customer-generators from one to three megawatts, increases the cap on the capacity of generation from facilities from the customer's expected annual energy consumption to 150 percent of such amount for customers in Dominion Energy Virginia's service territory, increases each utility's systemwide cap from one percent of its adjusted Virginia peak-load forecast for the previous year to six percent of such amount, five percent of which is available to all customers and one percent of which is available only to low-income utility customers; (xii) establishes the Percentage of Income Payment Program (PIPP), which caps the monthly electric utility payment of low-income participants at six percent, or, if the participant's home uses electric heat, 10 percent, of the participant's household income, requires the Commission to issue its final order regarding the PIPP by December 31, 2020, and requires the Department of Housing and Community Development and the Department of Social Services to convene a stakeholder group to develop recommendations for implementing the PIPP and to submit the stakeholder group's recommendations to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor by December 1, 2020; (xiii) requires each investor-owned utility to consult with the Clean Energy Advisory Board in how best to inform low-income customers of opportunities to lower electric bills through access to solar energy; (xiv) requires the Department of Mines, Minerals and Energy in consultation with the Council on Environmental Justice to prepare a report to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor that determines if the implementation of the measure imposes a disproportionate burden on historically economically disadvantaged communities; (xv) requires the Secretary of Natural Resources and the Secretary of Commerce and Trade, in consultation with the State Corporation Commission and the Council on Environmental Justice and appropriate stakeholders, to report to the General Assembly by January 1, 2022, any recommendations on how to achieve 100 percent carbon free electric energy generation by 2045 at least cost for ratepayers; and (xvi) provides that it is the policy of the Commonwealth that the State Corporation Commission,

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Department of Environmental Quality, Department of Mines, Minerals and Energy, Virginia Council on Environmental Justice, and other applicable state agencies, in the development of energy programs and job training programs and the placement of renewable energy facilities, shall consider those facilities and programs being to the benefit of low-income geographic areas and historically economically disadvantaged communities that are located near previously and presently permitted fossil fuel facilities or coal mines.

SB 77 Qualified education loan servicers. Prohibits any person from acting as a qualified education loan servicer except in accordance with provisions established by this bill. The bill requires a loan servicer to obtain a license from the State Corporation Commission (SCC) and establishes procedures pertaining to such licenses. Banks, savings institutions, credit unions, nonprofit institutions of higher education, and federally regulated financial institutions are exempt from the licensing provisions. The servicing of a qualified education loan encompasses (i) receiving any scheduled periodic payments from a qualified education loan borrower pursuant to the terms of a qualified education loan; (ii) applying the payments of principal and interest and such other payments, with respect to the amounts received from a qualified education loan borrower, as may be required pursuant to the terms of a qualified education loan; and (iii) performing other administrative services with respect to a qualified education loan. Qualified education loan servicers are prohibited from, among other things, (a) misrepresenting the amount, nature, or terms of any fee or payment due or claimed to be due on a qualified education loan, the terms and conditions of the loan agreement, or the borrower's obligations under the loan; (b) misapplying loan payments to the outstanding balance of a qualified education loan; and (c) failing to report both the favorable and unfavorable payment history of the borrower to a nationally recognized consumer credit bureau at least annually if the loan servicer regularly reports information to such a credit bureau. Violations are subject to a civil penalty not exceeding \$2,500. The bill has a delayed effective date of July 1, 2021, but provides that applications shall be accepted, and investigations commenced, by the SCC beginning March 1, 2021.

Failed

HB 898/SB 481 Earned paid sick time. Requires public and private employers with 15 or more employees to provide those employees with earned paid sick time; however, the provisions of the bill would not apply to an employer that has entered into a bona fide collective bargaining agreement. The measure provides for an employee to earn at least one hour of paid sick leave benefit for every 30 hours worked. An employee shall not use more than 40 hours of earned paid sick time in a year, unless

the employer selects a higher limit. Employees shall not be entitled to use accrued earned paid sick time until the ninetieth calendar day following commencement of their employment, unless otherwise permitted by the employer. The bill provides that earned paid sick time may be used (i) for an employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care; (ii) to provide care to a family member under similar circumstances; (iii) when there is a closure of the employee's place of business or the employee's child's school or place of care due to a public health emergency; or (iv) when an employee's or employee's family member's presence in the community may jeopardize the health of others because of their exposure to a communicable disease. The bill prohibits employers from taking certain retaliatory actions against employees related to leave and authorizes the Commissioner of Labor and Industry, in the case of a knowing violation, to subject an employer to a civil penalty not to exceed \$150 for the first violation, \$300 for the second violation, and \$500 for each successive violation, if the second or successive violation occurs within two years of the previous violation. The Commissioner of Labor and Industry may institute proceedings on behalf of an employee to enforce compliance with this measure and to collect specified amounts from the employer, which shall be awarded to the employee. Alternatively, an aggrieved employee is authorized to bring a civil action against the employer in which he may recover double the amount of any unpaid earned sick time and the amount of any actual damages suffered as the result of the employer's violation.

Constitutional Amendments

Passed

SJ 18 Constitutional amendment (second resolution); apportionment; Virginia Redistricting Commission. Establishes the Virginia Redistricting Commission, a 16-member Commission tasked with establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly. The Commission consists of eight legislative members and eight citizen members. The legislative members consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen members are selected by a selection committee consisting of five retired judges of the circuit courts of Virginia, from lists submitted to the selection committee by the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House

of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the political party having the next highest number of members in the Senate. The Commission is required to submit to the General Assembly plans of districts for the Senate and the House of Delegates of the General Assembly no later than 45 days following the receipt of census data and plans of districts for the United States House of Representatives no later than 60 days following the receipt of census data, or July 1 of that year, whichever occurs later. The measure requires certain vote thresholds for plans, depending on the type of district, in order to be submitted to the General Assembly. No amendments may be made to a plan by the General Assembly, and any plan approved by the General Assembly becomes law without the signature of the Governor. The measure requires additional plans to be submitted, or additional time to be given to submit a plan, in certain circumstances and further provides that districts will be drawn by the Supreme Court of Virginia if such efforts fail.

Courts/Civil Law

Passed

HB 870 Statute of limitations; sexual abuse. Provides that, for a cause of action accruing on or after July 1, 2020, every action for injury to a person resulting from sexual abuse shall be brought within 10 years after the cause of action accrues. This bill does not change the current 20-year statute of limitations for actions for injury to the person resulting from sexual abuse that occurred during the infancy or incapacity of such person.

HB 1490/SB 17 Same-sex marriages; civil unions. Repeals the statutory prohibitions on same-sex marriages and civil unions or other arrangements between persons of the same sex purporting to bestow the privileges and obligations of marriage. These prohibitions are no longer valid due to the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. ____ (June 26, 2015).

SB 433 Invocation of constitutional rights in domestic relations cases; adverse inference. Allows the trier of fact in a civil domestic relations proceeding to draw an adverse inference if a party or witness in such a proceeding refuses to answer a question regarding adultery on the grounds that such testimony might be self-incriminating.

SB 1072 Prohibition against appointing certain persons as guardian or conservator. Prohibits, except for good cause shown, the court from appointing as guardian or conservator for a respondent an attorney who has been engaged by the petitioner to represent the petitioner within three calendar years of the appointment. The bill also applies such prohibition to other

attorneys and employees of the law firm with which such attorney is associated. The bill further provides that, in the case of a petitioner that is in a medical care facility, the court may, for good cause shown, order that the reasonable costs for the guardian or conservator be paid by the petitioner during the time the respondent is under the care of such medical care facility.

Failed

HB 759 Strategic lawsuits against public participation; special motion to dismiss; stay of discovery; fees and costs. Establishes a procedure by which a party alleging that a claim filed against him is a strategic lawsuit against public participation (SLAPP), as defined in the bill, may file a special motion to dismiss. The bill provides that the filing of such a special motion to dismiss shall stay discovery proceedings related to the claim, pending the entry of an order adjudicating the special motion to dismiss. The bill provides that a court shall award reasonable expenses related to a special motion to dismiss, including attorney fees and costs, if the moving party prevails, in whole or in part, on such a special motion. The bill allows the court to award such reasonable expenses to a prevailing responding party to a special motion to dismiss if the court finds that such a motion was filed in bad faith or solely with the intent to delay the underlying proceedings.

SB 571 Visitation; petition of grandparent. Requires the court, in petitions for visitation filed by the grandparent of a child where either (i) the parent is the grandparent's child and is deceased, incarcerated, or incapacitated or has had his parental rights terminated or (ii) the grandparent has an established relationship with the child and has provided a significant level of care for the child, to consider the following factors: (a) the historical relationship between the grandparent and child; (b) the motivation of the grandparent in seeking visitation; (c) the motivation of the living parent in denying visitation to the grandparent; (d) the quantity of time requested and the effect it will have on the child's daily activities; and (e) the benefits of maintaining a relationship with the extended family of the deceased parent.

SB 1043 Civil actions filed on behalf of multiple persons. Provides that a circuit court may enter an order joining, coordinating, consolidating, or transferring civil actions upon finding that separate civil actions brought by a plaintiff on behalf of multiple similarly situated persons involve common questions of law or fact and arise out of the same transaction, occurrence, or series of transactions or occurrences. Under current law, such order is permitted only where six or more plaintiffs have filed such actions. The bill further requires the Supreme Court to promulgate rules no later than November 1, 2020, governing such actions.

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Courts/Criminal Justice

Passed

HB 33/SB 793 Parole; exception to limitation on the application of parole statutes. Provides that a person is eligible to be considered for parole if (i) such person was sentenced by a jury prior to the date of the Supreme Court of Virginia decision in *Fishback v. Commonwealth*, 260 Va. 104 (June 9, 2000), in which the Court held that a jury should be instructed on the fact that parole has been abolished, for a felony committed on or after the abolition of parole going into effect (on January 1, 1995); (ii) the person remained incarcerated for the offense on July 1, 2020; and (iii) the offense was not one of the following: (a) a Class 1 felony; (b) if the victim was a minor, rape, forcible sodomy, object sexual penetration, or aggravated sexual battery or an attempt to commit such act; or (c) carnal knowledge. The bill also requires the Parole Board to establish procedures for consideration of parole of persons entitled to it and also provides that any person who is eligible for parole as of July 1, 2020, shall be scheduled for a parole interview no later than July 1, 2021, allowing for extension of time for reasonable cause.

HB 477/SB 546 Juveniles; trial as adult. Increases from 14 years of age to 16 years of age the minimum age at which a juvenile must be tried as an adult in circuit court for murder or aggravated malicious wounding; however, if the juvenile is 14 years of age or older but younger than 16 years of age, the court, on motion of the attorney for the Commonwealth, shall hold a transfer hearing. The minimum age is also raised from 14 to 16 for certain charges requiring notice of intent to try such juvenile as an adult by the attorney for the Commonwealth. In order to be tried as an adult in circuit court for the charges that under current law require notice of intent to proceed with trial as an adult by the attorney for the Commonwealth, the bill requires that (i) a report concerning the juvenile be prepared by the court services unit or other qualified agency and (ii) the attorney for the Commonwealth provide written notice that he intends to proceed with a preliminary hearing for trial of such juvenile as an adult, including affirmation that he has read the report.

HB 618/SB 179 Hate crimes; gender, disability, gender identity, or sexual orientation; penalty. Adds gender, disability, gender identity, and sexual orientation to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense. The bill also adds gender, disability, gender identity, and sexual orientation to the categories of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police. The bill provides that a person who is subjected to

acts of intimidation or harassment, violence directed against his person, or vandalism to his real or personal property, where such acts are motivated by gender, disability, gender identity, or sexual orientation, may bring a civil action to recover his damages. The bill also provides that no provider or user of an interactive computer service on the Internet shall be liable for any action voluntarily taken by it in good faith to restrict access to material that the provider or user considers to be intended to incite hatred on the basis of gender, disability, gender identity, or sexual orientation. The bill also eliminates the mandatory minimum terms of confinement for such hate crimes.

HB 972/SB 2 Possession and consumption of marijuana; penalty. Decriminalizes simple marijuana possession and provides a civil penalty of no more than \$25. Current law imposes a maximum fine of \$500 and a maximum 30-day jail sentence for a first offense and subsequent offenses are a Class 1 misdemeanor. The bill provides that any violation of simple possession of marijuana may be charged by a summons that shall be in form the same as the uniform summons for motor vehicle law violations and that no court costs shall be assessed for such violations. The bill also provides that a person's criminal history record information shall not include records of any charges or judgments for such violations and records of such charges or judgments shall not be reported to the Central Criminal Records Exchange. Also, the bill states that the procedure for appeal and trial of any violation of simple possession of marijuana shall be the same as provided by law for misdemeanors. The bill provides that if requested by either party on appeal to the circuit court, trial by jury shall be provided and the Commonwealth shall be required to prove its case beyond a reasonable doubt. Additionally, the bill provides that the suspended sentence/substance abuse screening provisions and driver's license suspension provisions apply only to criminal violations or to civil violations by a juvenile. The bill defines "marijuana" to include hashish oil and creates a rebuttable presumption that a person who possesses no more than one ounce of marijuana possesses it for personal use. The bill also (i) makes records relating to the arrest, criminal charge, or conviction of possession of marijuana not open to public inspection and disclosure, except in certain circumstances; (ii) prohibits employers and educational institutions from requiring an applicant for employment or admission to disclose information related to such arrest, criminal charge, or conviction; and (iii) prohibits agencies, officials, and employees of the state and local governments from requiring an applicant for a license, permit, registration, or governmental service to disclose information concerning such arrest, criminal charge, or conviction. The bill allows a person charged with a civil offense where he is acquitted, a nolle prosequi is taken, or the charge is otherwise dismissed to file a petition requesting expungement of the police records and court records related to the charge.

Finally, the bill requires the Secretaries of Agriculture and Forestry, Finance, Health and Human Resources, and Public Safety and Homeland Security to convene a work group to study the impact on the Commonwealth of legalizing the sale and personal use of marijuana and report the recommendations of the work group to the General Assembly and the Governor by November 1, 2020.

HB 974/SB 511 Petition for writ of actual innocence. Provides that a person who was convicted of a felony or who was adjudicated delinquent by a circuit court of an offense that would be a felony if committed by an adult may petition for a writ of actual innocence based on biological evidence or nonbiological evidence regardless of the type of plea he entered at trial. Under current law, such person may petition for a writ based on biological evidence if he entered a plea of not guilty, and any person, regardless of the type of plea he entered at trial, may petition for such writ if he is sentenced to death or convicted or adjudicated delinquent of murder or a felony for which the maximum punishment is imprisonment for life. The bill also (i) allows a writ of actual innocence based on nonbiological evidence to be granted if scientific testing of previously untested evidence, regardless of whether such evidence was available or known at the time of conviction, proves that no trier of fact would have found proof of guilt of the person petitioning for the writ, provided that the testing procedure was not available at the time of conviction, and (ii) eliminates the provision that limits a petitioner to only one writ of actual innocence based on nonbiological evidence for any conviction. The bill provides that the petitioner must prove the allegations supporting either type of writ of actual innocence by a preponderance of the evidence. Currently, the petitioner must prove such allegations by clear and convincing evidence. Finally, the bill clarifies that the Attorney General may join a petition for a writ of actual innocence filed in connection with an adjudication of delinquency.

Failed

SB 608 Expungement of police and court records; pardons. Allows a person to petition for the expungement of the police and court records relating to such person's conviction for misdemeanors and certain felonies if he has been granted a simple pardon for the crime. The bill also allows a person to petition for an expungement of the police and court records relating to convictions of marijuana possession, underage alcohol or tobacco possession, and using a false ID to obtain alcohol, and for deferred disposition dismissals for possession of controlled substances or marijuana, underage alcohol or tobacco possession, and using a false ID to obtain alcohol, when all court costs, fines, and restitution have been paid and five years have elapsed since the date of completion of all terms of sentencing

and probation. Under current law, police and court records relating to convictions are only expunged if a person received an absolute pardon for a crime he did not commit.

SB 811 Sentencing in a criminal case; jury trial. Provides that in a criminal case the court shall ascertain the extent of the punishment, unless the accused has requested that the jury ascertain punishment or was found guilty of capital murder.

Education

Passed

HB 36 Public institutions of higher education; student journalists; freedom of speech and the press. Declares that, except in certain limited circumstances, a student journalist at a public institution of higher education has the right to exercise freedom of speech and the press in institution-sponsored media, including determining the news and opinion content of institution-sponsored media, regardless of whether the media is supported financially by the governing board of the institution, supported through the use of campus facilities, or produced in conjunction with a course in which the student is enrolled. The bill defines "institution-sponsored media" as any material that is prepared, substantially written, published, or broadcast by a student journalist at a public institution of higher education under the direction of a student media adviser and distributed or generally made available to members of the student body

HB 1012/SB 578 Early childhood care and education; licensing. Requires the Board of Education to establish a statewide unified public-private system for early childhood care and education in the Commonwealth to be administered by the Board of Education, the Superintendent of Public Instruction, and the Department of Education. The bill transfers the authority to license and regulate child day programs and other early child care agencies from the Board of Social Services and Department of Social Services to the Board of Education and Department of Education. The bill maintains current licensure, background check, and other requirements of such programs. Such provisions of the bill have a delayed effective date of July 1, 2021. The bill requires the Superintendent of Public Instruction to establish a plan for implementing the statewide unified early childhood care and education system and requires the Department of Social Services and the Department of Education to enter into a cooperative agreement to coordinate the transition. The bill also requires the Board of Education to establish, no later than July 1, 2021, a uniform quality rating and improvement system designed to provide parents and families with information about the quality and availability of certain publicly funded early childhood care and education providers

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and to publish the initial quality ratings under such system in the fall of 2023.

HB 1508/SB 880 Minimum staffing ratio for school counselors. Requires local school boards to employ school counselors in accordance with the following ratios, effective with the 2020-2021 school year: in elementary schools, one hour per day per 75 students, one full-time equivalent at 375 students, one hour per day additional time per 75 students or major fraction thereof; in middle schools, one period per 65 students, one full-time equivalent at 325 students, one additional period per 65 students or major fraction thereof; and in high schools, one period per 60 students, one full-time equivalent at 300 students, one additional period per 60 students or major fraction thereof. The bill also requires local school boards to employ one full-time equivalent school counselor position per 325 students in grades kindergarten through 12, effective with the 2021-2022 school year.

HB 1547/SB 935 Public institutions of higher education; eligibility for in-state tuition. Provides that any student is eligible for in-state tuition who (i) attended high school for at least two years in the Commonwealth and either (a) graduated on or after July 1, 2008, from a public or private high school or program of home instruction in the Commonwealth or (b) passed, on or after July 1, 2008, a high school equivalency examination approved by the Secretary of Education; (ii) has submitted evidence that he or, in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis has filed, unless exempted by state law, Virginia income tax returns for at least two years prior to the date of registration or enrollment; and (iii) registers as an entering student or is enrolled in a public institution of higher education in the Commonwealth. The bill states that students who meet these criteria shall be eligible for in-state tuition regardless of their citizenship or immigration status, except students with currently valid visas issued under 8 U.S.C. § 1101(a)(15)(F), 1101(a)(15)(H)(iii), 1101(a)(15)(J) (including only students or trainees), or 1101(a)(15)(M). Information obtained in the implementation of the provisions of the bill shall only be used or disclosed to individuals other than the student for purposes of determining in-state tuition eligibility.

SB 238 Public schools; kindergarten instructional time. Increases from 540 hours to 990 hours the minimum instructional hours in a school year for students in kindergarten, beginning July 1, 2022. The bill directs the Board of Education to adopt regulations by July 1, 2022, establishing standards for accreditation that include a requirement that the standard school day for students in kindergarten average at least 5.5 instructional hours in order to qualify for full accreditation.

SB 462 Public institutions of higher education; in-state tuition; children of active duty service members or veterans. Provides that any child of an active duty member or veteran who claims Virginia as his home state and filed Virginia tax returns for at least 10 years during active duty service is eligible for in-state tuition charges, regardless of domicile.

Failed

HB 811 Institutions of higher education; intercollegiate athletics; student-athletes; compensation and representation. Prohibits any private institution of higher education, baccalaureate public institution of higher education, athletic association, athletic conference, or other organization with authority over intercollegiate athletics from (i) providing a prospective student-athlete with compensation that results from the use of the student's name, image, or likeness; (ii) prohibiting or preventing a student-athlete from earning from another individual or entity compensation that results from the use of the student's name, image, or likeness, except in certain limited circumstances; (iii) prohibiting or preventing a student-athlete from obtaining professional representation by an athlete agent or legal representation by an attorney licensed to practice law in the Commonwealth; or (iv) declaring ineligible for or revoking a scholarship provided to a student-athlete who earns compensation that results from the use of the student's name, image, or likeness. The bill prohibits any athletic association, athletic conference, or other organization with authority over intercollegiate athletics from prohibiting or preventing a private institution of higher education or baccalaureate public institution of higher education from becoming a member of or participating in intercollegiate athletics sponsored by such association, conference, or organization as a consequence of the compensation of a student-athlete at such institution that results from the use of the student-athlete's name, image, or likeness. The foregoing provisions of the bill have a delayed effective date of July 1, 2024, and are limited to students enrolled at a private institution of higher education or baccalaureate public institution of higher education who participate in Division 1 football in the Football Bowl Subdivision at such institution.

SB 99 Public institutions of higher education; admissions applications; criminal history. Prohibits each public institution of higher education from (i) utilizing an institution-specific admissions application that contains questions about the criminal history of the applicant; (ii) denying admission to any applicant on the basis of any criminal history information provided by the applicant on any third-party admissions application accepted by the institution; or (iii) otherwise inquiring about the criminal history of an applicant for

admission prior to the applicant receiving a conditional offer of acceptance from the institution.

SB 847 Public schools; Standards of Learning assessments; report. Reduces the total number and type of required Standards of Learning assessments to the minimum requirements established by the federal Elementary and Secondary Education Act of 1965, as amended. The bill requires the Department of Education to annually report on the estimated projected and actual savings from the implementation of the bill and report the amount of such savings to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance no later than the first day of each Regular Session of the General Assembly.

Elections

Passed

HB 1/SB 111 Absentee voting; no excuse required. Permits any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons under which a person may be entitled to vote by absentee ballot and removes references to those reasons from other sections of the Code.

HB 19/SB 65 Voter identification; repeal of photo identification requirements; additional forms of identification accepted; signed statement in lieu of required form of identification; penalty. Removes the requirement that voters show a form of identification containing a photograph in order to be allowed to vote. The bill requires a voter to show either his voter registration confirmation documents; his valid Virginia driver's license, his valid United States passport, or any other identification issued by the Commonwealth, one of its political subdivisions, or the United States; any valid student identification card issued by any institution of higher education located in the Commonwealth or any private school located in the Commonwealth; any valid student identification card issued by any institution of higher education located in any other state or territory of the United States; any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business; or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. The bill also provides that the expiration date on a Virginia driver's license is not considered when determining the validity of a driver's license offered for voter identification purposes. A voter who does not show one of the required forms of identification when offering to vote is required to sign a statement that he is the named registered voter he claims to be in order to be

permitted to cast a ballot. Such statement is signed subject to felony penalties for making false statements, punishable as a Class 5 felony. A voter who does not show one of the required forms of identification and does not complete or sign the statement shall be offered a provisional ballot according to the provisions of current law. The bill adds language regarding identification requirements for certain voters pursuant to the federal Help America Vote Act of 2002.

HB 1255/SB 717 Standards and criteria for congressional and state legislative districts. Provides criteria by which congressional and state legislative districts are to be drawn. Such criteria include equal population requirements, with a deviation of no more than five percent permitted for state legislative districts; compliance with laws and judicial decisions relating to racial and ethnic fairness; preservation of communities of interest, which are defined to mean a neighborhood or any geographically defined group of people living in an area who share similar social, cultural, and economic interests; and compactness and contiguity. The bill also includes provisions of the Voting Rights Act of 1965, as amended, related to redistricting, that prohibit the drawing of districts in ways that improperly dilute minority populations' voting power. The bill prohibits maps of districts, when considered on a statewide basis, from unduly favoring or disfavoring any political party. The bill further provides for the preparation and use of adjusted population data for redistricting and reapportionment purposes to reflect the reallocation of persons incarcerated in federal, state, and local correctional facilities. Persons incarcerated in such a facility whose address at the time of incarceration was in the Commonwealth are to be counted at that address and persons incarcerated in such a facility whose address at the time of incarceration was outside of the Commonwealth or cannot be determined are to be counted at the facility.

Failed

HB 758/SB 203 Redistricting; Virginia Redistricting Commission; standards and criteria. Establishes the Virginia Redistricting Commission (the Commission) pursuant to Article II, Sections 6 and 6-A of the Constitution of Virginia. The Commission, tasked with establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly, will consist of eight legislative commissioners and eight citizen commissioners. The legislative commissioners consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen commissioners are chosen by a selection committee consisting of five retired

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judges of the circuit courts of Virginia, from lists submitted to the selection committee by the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the political party having the next highest number of members in the Senate. The bill contains eligibility requirements for the citizen commissioners, including restrictions on holding or having held partisan national or state public office. As part of the application process for service on the Commission, the Division of Legislative Services acts as a repository for applications submitted by interested persons and is tasked with screening out applicants who are ineligible or submit incomplete applications. The applications of the citizen candidates selected by political leadership and submitted for consideration to the selection committee are public records.

The bill also directs the Division of Legislative Services to provide staff support to the Commission in the redistricting of congressional and state legislative districts. The Commission is required to submit to the General Assembly plans of districts within certain time periods, and the bill sets out criteria by which the districts are to be drawn, including equal population, racial and ethnic fairness, communities of interest, contiguity, and compactness. The bill prohibits a map of districts from unduly favoring or disfavoring any political party when considered on a statewide basis.

The bill provides for the preparation and use of adjusted population data for redistricting and reapportionment purposes to reflect the reallocation of persons incarcerated in federal, state, and local correctional facilities. Persons incarcerated in such a facility whose address at the time of incarceration was in the Commonwealth are to be counted at that address and persons incarcerated in such a facility whose address at the time of incarceration was outside of the Commonwealth or cannot be determined are to be counted at the facility. Provisions to ensure public participation in the redistricting process are included.

If efforts to establish districts fail, the Supreme Court of Virginia is responsible for establishing districts, and the bill directs the Court to enact rules and procedures for doing so. The rules and procedures enacted by the Court are required to allow public participation in the Court's redistricting deliberations, to provide for the Division of Legislative Services to provide staff support and technical assistance to the Court, and to ensure districts established by the Court adhere to constitutional and statutory criteria. The bill directs the Court to appoint two special masters to assist in the establishment of districts, from lists submitted by the legislative leaders of the majority and minority political parties.

Carried Over

HB 177 Presidential electors; National Popular Vote Compact. Enters Virginia into an interstate compact known as the Agreement Among the States to Elect the President by National Popular Vote. Article II of the Constitution of the United States gives the states exclusive and plenary authority to decide the manner of awarding their electoral votes. Under the compact, Virginia agrees to award its electoral votes to the presidential ticket that receives the most popular votes in all 50 states and the District of Columbia. The compact goes into effect when states cumulatively possessing a majority of the electoral votes have joined the compact. A state may withdraw from the compact; however, a withdrawal occurring within six months of the end of a President's term shall not become effective until a President or Vice President has qualified to serve the next term.

Firearms

Passed

HB 2/SB 70 Firearm sales; criminal history record information checks; penalty. Requires a background check for any firearm sale and directs the Department of State Police (the Department) to establish a process for transferors to obtain such a check from licensed firearms dealers. A person who sells a firearm to another person without obtaining the required background check is guilty of a Class 1 misdemeanor. The bill also provides that a purchaser who receives a firearm from another person without obtaining the required background check is guilty of a Class 1 misdemeanor. The bill removes the provision that makes background checks of prospective purchasers or transferees at firearms shows voluntary. The bill also provides that the Department shall have three business days to complete a criminal history record information check before a firearm may be transferred.

HB 9 Reporting lost or stolen firearms; civil penalty. Requires that, if a firearm is lost or stolen from a person who lawfully possessed it, such person shall report the loss or theft of the firearm to any local law-enforcement agency or the Department of State Police within 48 hours after such person discovers the loss or theft or is informed by a person with personal knowledge of the loss or theft. The bill requires the relevant law-enforcement agency to enter the report information into the National Crime Information Center. A violation is punishable by a civil penalty of not more than \$250. The bill provides that a person who, in good faith, reports the loss or theft is immune from criminal or civil liability for acts or omissions that result from the loss or theft. The immunity does

not apply to a person who knowingly gives a false report. The bill does not apply to the loss or theft of an antique firearm.

HB 421/SB 35 Control of firearms by localities. Authorizes any locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any building, or part thereof, owned or used by such locality for governmental purposes; (ii) any public park owned by the locality; (iii) any recreation or community center facility; or (iv) any public street, road, alley, sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. Provisions limiting the authority of localities and state governmental entities to bring lawsuits against certain firearms manufacturers and others are also repealed. The bill also provides that any firearm received by the locality pursuant to a gun buy-back program shall be destroyed by the locality unless the person surrendering such firearm requests in writing that such surrendered firearm be sold.

HB 674/SB 240 Firearms; removal from persons posing substantial risk; penalties. Creates a procedure by which any attorney for the Commonwealth or law-enforcement officer may apply to a general district court, circuit court, or juvenile and domestic relations district court judge or magistrate for an emergency substantial risk order to prohibit a person who poses a substantial risk of injury to himself or others from purchasing, possessing, or transporting a firearm. Upon service of an emergency substantial risk order, the person who is subject to the order shall be given the opportunity to voluntarily relinquish any firearm. An emergency substantial risk order shall expire on the fourteenth day following issuance of the order. The bill requires a court hearing in the circuit court for the jurisdiction where the order was issued within 14 days from issuance of an emergency substantial risk order to determine whether a substantial risk order should be issued. Seized firearms shall be retained by a law-enforcement agency for the duration of an emergency substantial risk order or a substantial risk order or, for a substantial risk order and with court approval, may be transferred to a third party 21 years of age or older chosen by the person from whom they were seized. The bill allows the complainant of the original warrant to file a motion for a hearing to extend the substantial risk order prior to its expiration. The court may extend the substantial risk order for a period not longer than 180 days. The bill provides that persons who are subject to a substantial risk order, until such order has been dissolved by a court, are guilty of a Class 1 misdemeanor for purchasing, possessing, or transporting a firearm; are disqualified from having a concealed handgun permit; and may not be employed by a licensed firearms dealer. The bill also provides that a person who transfers a firearm to a person he

knows has been served with a warrant or who is the subject of a substantial risk order is guilty of a Class 4 felony. The bill creates a computerized substantial risk order registry for the entry of orders issued pursuant to provisions in the bill.

HB 812/SB 69 Purchase of handguns; limitation on handgun purchases; penalty. Prohibits any person who is not a licensed firearms dealer from purchasing more than one handgun in a 30-day period and establishes such an offense as a Class 1 misdemeanor. The bill exempts from this provision (i) persons who have been issued a certificate by the Department of State Police under certain circumstances and with an enhanced background check, (ii) law-enforcement agencies and officers, (iii) state and local correctional facilities, (iv) licensed private security companies, (v) persons who hold a valid Virginia concealed handgun permit, (vi) persons whose handgun has been stolen or irretrievably lost or who are trading in a handgun, (vii) purchases of handguns in a private sale, and (viii) purchases of antique firearms.

HB 1004/SB 479 Protective orders; possession of firearms; surrender or transfer of firearms; penalty. Prohibits any person subject to a permanent protective order (i.e., a protective order with a maximum duration of two years) from knowingly possessing a firearm while the order is in effect, provided that for a period of 24 hours after being served with a protective order such person may continue to possess such firearm for the purposes of selling or transferring it to any person who is not otherwise prohibited by law from possessing such firearm. A violation of this provision is a Class 6 felony. The bill also provides that a court shall order a person subject to a permanent protective order to (i) within 24 hours, surrender any firearm possessed by such person to a designated local law-enforcement agency or sell or transfer any firearm possessed by such person to a dealer or to any person who is not otherwise prohibited by law from possessing such firearm and (ii) certify in writing that such person does not possess any firearms or that all firearms possessed by such person have been surrendered, sold, or transferred and file such certification with the clerk of the court that entered the protective order within 48 hours after being served with a protective order. The bill provides that any person who willfully fails to certify in writing in accordance with this requirement that all firearms possessed by such person have been surrendered, sold, or transferred or that such person does not possess any firearms is guilty of a Class 1 misdemeanor. The bill provides procedures for designating a local law-enforcement agency to receive and store firearms, as well as a process to return such surrendered firearms. The bill also makes it a Class 4 felony for any person to sell, barter, give, or furnish any firearm to any person he knows is prohibited from possessing or transporting a firearm who is subject to a permanent protective order.

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HB 1083 Allowing access to firearms by minors; penalty. Increases from a Class 3 misdemeanor to a Class 1 misdemeanor the punishment for any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any person under the age of 14.

Carried Over

HB 961 Prohibiting sale, transport, etc., of assault firearms, certain firearm magazines, silencers, and trigger activators; penalties. Expands the definition of "assault firearm" and prohibits any person from importing, selling, transferring, manufacturing, purchasing, or transporting an assault firearm. A violation is a Class 6 felony. The bill prohibits a dealer from selling, renting, trading, or transferring from his inventory an assault firearm to any person. The bill makes it a Class 6 felony to import, sell, transfer, manufacture, purchase, possess, or transport silencers, and trigger activators, all defined in the bill. The bill makes it a Class 6 felony to import, sell, transfer, manufacture, purchase, or transport a large-capacity firearm magazine, as defined in the bill, and a Class 1 misdemeanor to possess such large-capacity firearm magazine. Any person who legally owns a large-capacity firearm magazine, silencer, or trigger activator on July 1, 2020, may retain possession until January 1, 2021. During that time, such person shall (i) render the large-capacity firearm magazine, silencer, or trigger activator inoperable; (ii) remove the large-capacity firearm magazine, silencer, or trigger activator from the Commonwealth; (iii) transfer the large-capacity firearm magazine, silencer, or trigger activator to a person outside the Commonwealth who is not prohibited from possessing it; or (iv) surrender the large-capacity firearm magazine, silencer, or trigger activator to a state or local law-enforcement agency.

General Laws

Passed

HB 4/SB 36 Lottery Board; regulation of casino gaming. Authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery Board. The bill specifies the requirements for licensure of casino gaming operators and the conduct of casino gaming and imposes criminal and civil penalties for violations of the casino gaming law. The location of casino gaming establishments shall be limited to the following eligible host cities that meet specified criteria: the Cities of Portsmouth, Richmond, Norfolk, Danville, and Bristol. The bill requires each eligible host city to hold a referendum on the question of whether to allow casino gaming in the city and to hold such referendum at the November 2020 general election. The bill imposes a tiered tax structure tied to adjusted gross receipts and provides for the disbursement of tax revenues. The

bill requires the Board to establish a voluntary exclusion program allowing individuals to voluntarily list themselves as being barred from entering a casino gaming establishment or other facility under the jurisdiction of the Board. The bill establishes the Problem Gambling Treatment and Support Fund, administered by the Commissioner of Behavioral Health and Developmental Services, and the Virginia Indigenous People's Trust Fund, both of which are funded by proceeds from the casino gaming tax revenues.

HB 108/SB 601 Legal holidays; Lee-Jackson Day; Election Day. Designates Election Day, the Tuesday after the first Monday in November, as a state holiday and removes Lee-Jackson Day as a state holiday.

HB 827/SB 712 Virginia Human Rights Act; discrimination on the basis of pregnancy, childbirth, or related medical conditions; reasonable accommodation for the known limitations of persons related to pregnancy, childbirth, or related medical conditions. Requires employers, defined in the bill, to make reasonable accommodation for the known limitations of a person related to pregnancy, childbirth, or related medical conditions, if such accommodation is necessary to assist such person in performing a particular job, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer. The bill also prohibits employers from taking any adverse action against an employee who requests or uses a reasonable accommodation and from denying employment or promotion opportunities to an otherwise qualified applicant or employee because such employer will be required to make reasonable accommodation to the applicant or employee. The bill creates a cause of action against any employer who denies any of the rights afforded by the bill and permits the court or jury to award compensatory damages, back pay, and other equitable relief.

HB 881/SB 971 Illegal gambling; skill games; penalty. Includes the playing or offering for play of any skill game in the definition of "illegal gambling." The bill also includes skill games within the definition of "gambling devices." The bill defines a "skill game" as an electronic, computerized, or mechanical contrivance, terminal, machine, or other device that requires the insertion of a coin, currency, ticket, token, or similar object to operate, activate, or play a game, the outcome of which is determined by any element of skill of the player and that may deliver or entitle the person playing or operating the device to receive cash; cash equivalents, gift cards, vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash; merchandise; or anything of value whether the payoff is made automatically from the device or manually. The bill exempts family entertainment centers from the prohibition against the playing or offering of any skill game, provided the prize won or

distributed to a player by the skill games offered by such centers is a noncash, merchandise prize or a voucher, billet, ticket, token, or electronic credit redeemable only for a noncash, merchandise prize that also meets certain other requirements.

HB 896/SB 38 Sports betting; Problem Gambling Treatment and Support Fund; penalties. Directs the Virginia Lottery (the Lottery) to regulate sports betting. The bill prohibits the Lottery from issuing any permits to conduct sports betting until it has developed and published a consumer protection bill of rights. Before administering a sports betting operation, an entity is required to apply for a three-year permit and pay a nonrefundable application fee of \$250,000. Permit holders must apply for renewal of a permit every three years, which includes a nonrefundable renewal fee of \$200,000. The Director may issue from four to 12 permits at one time and is directed to issue a number of permits that will maximize tax revenue collected pursuant to the bill. In issuing permits, the Director is required to give preferred consideration to applicants that are (i) certain major league sports franchises and (ii) certain casino operators. The bill prohibits betting on Virginia college sports and youth sports and prohibits proposition bets on all college sports. The bill prohibits betting by Lottery employees, permit holders and certain related persons, athletes and coaches with respect to events in their league, and persons under age 21. The penalty for engaging in prohibited betting is a Class 1 misdemeanor. The bill prohibits betting on the biometric data of an athlete without his consent and includes provisions for the Lottery to investigate prohibited conduct, such as attempting to influence an athlete or the outcome of an athletic event. The bill directs the Lottery to establish a voluntary exclusion program, which allows individuals to request that the Lottery exclude them from engaging in various kinds of betting activity. The bill allows the governing body of a sports league to request that the Lottery (a) limit or prohibit people from betting on events of the league that it governs and (b) restrict the information sources used to resolve bets that are placed after a sports event has begun. The bill imposes a 15 percent tax on a permit holder's adjusted gross revenue, defined in the bill. The bill authorizes permit holders to carry over and deduct net losses for up to 12 months. The bill creates the Problem Gambling Treatment and Support Fund, administered by the Department of Behavioral Health and Developmental Services. The Fund is established to provide counseling to compulsive gamblers, implement problem gambling treatment and prevention programs, and provide grants to organizations that assist problem gamblers. The Fund is funded by 2.5 percent of the revenue generated from sports betting, with the remaining 97.5 percent accruing to the general fund.

HB 1406/SB 612 Commission for Historical Statues in the United States Capitol; replacement of Robert E. Lee statue in National Statuary Hall Collection. Creates the Commission for Historical Statues in the United States Capitol to determine whether the Robert E. Lee statue in the National Statuary Hall Collection at the United States Capitol should be replaced and, if so, to recommend to the General Assembly as a replacement a statue of a prominent Virginia citizen of historic renown or renowned for distinguished civil or military service to be commemorated in the National Statuary Hall Collection.

HB 1424/SB 407 American Revolution 250 Commission; report. Establishes the American Revolution 250 Commission to plan, develop, and perform programs and activities to commemorate the 250th anniversary of the American Revolution, the Revolutionary War, and the independence of the United States. The bill has an expiration date of July 1, 2027.

SB 868 Prohibited discrimination; public accommodations, employment, credit, and housing; causes of action; sexual orientation and gender identity. Creates causes of action for unlawful discrimination in public accommodations and employment in the Virginia Human Rights Act. Currently, under the Act there is no cause of action for discrimination in public accommodations, and the only causes of action for discrimination in employment are for (i) unlawful discharge on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, including lactation, by employers employing more than five but fewer than 15 persons and (ii) unlawful discharge on the basis of age by employers employing more than five but fewer than 20 persons. The bill allows the causes of action to be pursued privately by the aggrieved person or, in certain circumstances, by the Attorney General. Before a civil cause of action may be brought in a court of the Commonwealth, an aggrieved individual must file a complaint with the Division of Human Rights of the Department of Law, participate in an administrative process, and receive a notice of his right to commence a civil action. The bill prohibits discrimination in public and private employment on the basis of sexual orientation and gender identity. The bill also codifies for state and local government employment the current prohibitions on discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran. Additionally, the bill (a) prohibits discrimination in public accommodations on the basis of sexual orientation, gender identity, or status as a veteran; (b) prohibits discrimination in credit on the basis of sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, disability, and status as a veteran; and (c) adds discrimination on the basis of an individual's sexual orientation, gender identity, or status as a veteran as an unlawful housing practice.

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Health

Passed

HB 180/SB 62/SB 1066 Marriage records; divorce and annulment reports; identification of race. Eliminates the requirement that the race of married parties be included in marriage records, divorce reports, and annulment reports filed with the State Registrar. The bill also removes the requirement that the State Registrar include race data in the compilation and posting of marriage, divorce, and annulment data.

HB 386/SB 245 Department of Health Professions; conversion therapy prohibited. Prohibits any health care provider or person who performs counseling as part of his training for any profession licensed by a regulatory board of the Department of Health Professions from engaging in conversion therapy, as defined in the bill, with any person under 18 years of age and provides that such counseling constitutes unprofessional conduct and is grounds for disciplinary action. The bill provides that no state funds shall be expended for the purpose of conducting conversion therapy with a person under 18 years of age, referring a person under 18 years of age for conversion therapy, or extending health benefits coverage for conversion therapy with a person under 18 years of age.

HB 980/SB 733 Provision of abortion. Expands who can perform first trimester abortions to include any person jointly licensed by the Board of Medicine and Nursing as a nurse practitioner acting within such person's scope of practice. The bill eliminates all the procedures and processes, including the performance of an ultrasound, required to effect a pregnant person's informed written consent to the performance of an abortion; however, the bill does not change the requirement that a pregnant person's informed written consent first be obtained. The bill removes language classifying facilities that perform five or more first trimester abortions per month as hospitals for the purpose of complying with regulations establishing minimum standards for hospitals.

HB 1041/SB 657 Board of Health; certificate of birth; change of sex. Requires the State Registrar to issue a new certificate of birth to show a change of sex upon request of the person and, if a certified copy of a court order changing the person's name is submitted, to include the person's new name. The bill provides that requirements related to obtaining a new certificate of birth to show a change of sex shall include a requirement that the person submit a form furnished by the State Registrar and completed by a health care provider from whom the person has received treatment stating that the person has undergone clinically appropriate treatment for gender transition but shall not include a

requirement for evidence or documentation of any medical procedure.

HB 1090 Required immunizations. Amends the minimum vaccination requirements for attendance at a public or private elementary, middle or secondary school, child care center, nursery school, family day care home or developmental center. The bill also requires the State Board of Health to amend the State Board of Health Regulations for the Immunization of School Children as necessary from time to time to maintain conformity with evidence-based, routinely recommended vaccinations for children and to provide for a 60-day public comment period prior to the adoption of the regulations. In addition, the Department of Health and the Department of Education are directed to jointly review immunization requirements in the Code of Virginia and report to the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health on the effectiveness of the required vaccination program in promoting public health by December 1, 2021.

SB 120 Programs to address career fatigue and wellness in certain health care providers; civil immunity. Expands civil immunity for health care professionals serving as members of or consultants to entities that function primarily to review, evaluate, or make recommendations related to health care services to include health care professionals serving as members of or consultants to entities that function primarily to address issues related to career fatigue and wellness in health care professionals licensed to practice medicine or osteopathic medicine or licensed as a physician assistant. The bill also clarifies that, absent evidence indicating a reasonable probability that a health care professional who is a participant in a professional program to address issues related to career fatigue or wellness is not competent to continue in practice or is a danger to himself, his patients, or the public, participation in such a professional program does not trigger the requirement that the health care professional be reported to the Department of Health Professions. The bill contains an emergency clause.

SB 976 Board of Pharmacy; pharmaceutical processors; cannabis dispensing facilities. Defines "cannabis dispensing facilities" and allows the Board of Pharmacy to issue up to five permits for cannabis dispensing facilities per health service area. The bill requires the Board to establish a ratio of one pharmacist for every six pharmacy interns, technicians, and technician trainees for pharmaceutical processors and cannabis dispensing facilities. The bill directs the Board of Pharmacy to require that, after processing and before dispensing cannabidiol oil and THC-A oil, a pharmaceutical processor make a sample available from each homogenized batch of product for testing at an independent laboratory located in Virginia that meets Board requirements.

The bill requires that the Board promulgate regulations that include an allowance for the sale of devices for administration of dispensed products and an allowance for the use and distribution of inert product samples containing no cannabinoids for patient demonstration exclusively at the pharmaceutical processor or cannabis dispensing facility, and not for further distribution or sale, without the need for a written certification. The bill also requires the Board to adopt regulations for pharmaceutical processors that include requirements for (i) processes for safely and securely cultivating cannabis plants intended for producing cannabidiol oil or THC-A oil; (ii) a maximum number of marijuana plants a pharmaceutical processor may possess at any one time; (iii) the secure disposal of plant remains; (iv) dosage limitations, which shall provide that each dispensed dose of cannabidiol oil or THC-A not exceed 10 milligrams of tetrahydrocannabinol; and (v) a process for registering cannabidiol oil and THC-A oil products. The bill requires the Board of Pharmacy to promulgate emergency regulations.

Failed

SB 564 Virginia Hearing Loss Identification and Monitoring System; language development for children who are deaf or hard of hearing. Expands the responsibilities of the advisory committee of the Virginia Hearing Loss Identification and Monitoring System to include selecting language development milestones for educators and early intervention specialists for use in assessing the language and literacy development of children from birth to age five who are deaf or hard of hearing. The bill requires the addition of at least two language experts to the advisory committee.

SB 858 Naturopathic doctors; license required. Requires the Board of Medicine to license and regulate naturopathic doctors, defined in the bill as an individual, other than a doctor of medicine, osteopathy, chiropractic, or podiatry, who may diagnose, treat, and help prevent diseases using a system of practice that is based on the natural healing capacity of individuals, using physiological, psychological, or physical methods, and who may also use natural medicines, prescriptions, legend drugs, foods, herbs, or other natural remedies, including light and air.

Local Government

Passed

HB 696 Local human rights ordinances; sexual orientation and gender identity. Provides that localities may prohibit discrimination in housing, employment, public accommodations, credit, and education on the basis of sexual orientation and gender identity.

HB 1101/SB 834 Affordable housing dwelling unit ordinances. Allows certain localities to adopt affordable housing dwelling unit ordinances. The governing body of any locality, other than localities to which certain current affordable housing provisions apply, may by amendment to the zoning ordinances of such locality provide for an affordable housing dwelling unit program. Such program shall address housing needs, promote a full range of housing choices, and encourage the construction and continued existence of housing affordable to low-and-moderate-income citizens by providing for increases in density to the applicant in exchange for the applicant's voluntarily electing to provide such affordable housing. Any local ordinance may authorize the governing body to (i) establish qualifying jurisdiction-wide affordable dwelling unit sales prices based on local market conditions, (ii) establish jurisdiction-wide affordable dwelling unit qualifying income guidelines, and (iii) offer incentives other than density increases, such as reductions or waiver of permit, development, and infrastructure fees, as the governing body deems appropriate to encourage the provision of affordable housing. The bill provides that any zoning ordinance establishing an affordable housing dwelling unit program may include reasonable regulations and provisions as to any or all of the following: (a) for application of the requirements of an affordable housing dwelling unit program to any site, as defined by the locality, or a portion thereof at one location that is the subject of an application for rezoning or special exception or site plan or subdivision plat that yields, as submitted by the applicant, at an equivalent density greater than one unit per acre and that is located within an approved sewer area; (b) the waiver of any fees associated with the construction, renovation, or rehabilitation of a structure, including building permit fees, application review fees, and water and sewer connection fees; (c) for standards of compliance with the provisions of an affordable housing dwelling unit program and for the authority of the local governing body or its designee to enforce compliance with such standards and impose reasonable penalties for noncompliance, provided that such local zoning ordinance provide for an appeal process for any party aggrieved by a decision of the local governing body; and (d) various other provisions set out in the bill. Any zoning ordinance establishing such affordable housing dwelling unit program shall adopt the regulations and provisions set out in the bill to establish an affordable housing density bonus and development standards relief program.

HB 1537/SB 183 Memorials for war veterans. Provides that a locality may remove, relocate, contextualize, or cover any monument or memorial for war veterans on the localities public property, not including a monument or memorial located in a publicly owned cemetery, regardless of when the monument or memorial was erected, and removes certain criminal and civil penalties. Current law makes it unlawful to disturb or interfere

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with such monuments or memorials or to prevent citizens from taking proper measures and exercising proper means for the protection, preservation, and care of monuments or memorials. Prior to removing, relocating, contextualizing, or covering any such publicly owned monument or memorial, the local governing body shall publish notice of such intent in a newspaper having general circulation in the locality. The notice shall specify the time and place of a public hearing at which interested persons may present their views, not less than 30 days after publication of the notice. After the completion of the hearing, the governing body may vote whether to remove, relocate, contextualize, or cover the monument or memorial. If the governing body votes to remove, relocate, contextualize, or cover the monument or memorial, the local governing body shall first, for a period of 30 days, offer the monument or memorial for relocation and placement to any museum, historical society, government, or military battlefield. The local governing body shall have sole authority to determine the final disposition of the monument or memorial. The bill authorizes the local governing body to call for an advisory referendum prior to voting on such motion. The bill repeals an 1890 act of assembly related to the placement of a statue in the City of Alexandria and does not apply to a monument or memorial located on the property of a public institution of higher education within the City of Lexington. The bill also provides that the Board of Historic Resources shall promulgate regulations governing the manner in which any monument or memorial may be contextualized.

Social Services

Passed

HB 600/SB 593 Licensed family day homes; storage of firearms. Requires that all firearms in a licensed family day home be stored unloaded in a locked container, compartment, or cabinet. The bill also requires that, during the family day home's hours of operation, ammunition be stored separate from all firearms in a locked container, compartment, or cabinet.

HB 933/SB 178 Kinship Guardianship Assistance program; eligibility; fictive kin. Expands eligibility for the Kinship Guardianship Assistance program by allowing payments to be made to fictive kin who receive custody of a child of whom they had been the foster parent.

HB 1209 Department of Social Services; Office of New Americans created. Establishes the Office of New Americans within the Department of Social Services and the Office of New Americans Advisory Board to assist with immigrant integration within the Commonwealth on an economic, social, and cultural level. The Office shall provide (i) advice and assistance regarding the citizenship application process; (ii) assistance with

securing employment, housing, and services for which such persons may be eligible; (iii) information to localities and immigration service organizations about state programs that help such persons find and secure employment, housing, and services for which they may be eligible; and (iv) information to localities and immigration service organizations regarding health epidemics and unlawful predatory actions, such as human trafficking, gang recruitment, and fraudulent financial and other schemes, to which communities of such persons may be especially vulnerable. The Advisory Board shall report annually to the Governor and the General Assembly on the activities of the Office of New Americans and provide recommendations for improving state policies and programs to support the economic, linguistic, and civic integration of new Americans throughout the Commonwealth.

Failed

HB 920/SB 570 State-Funded Kinship Guardianship Assistance program. Creates the State-Funded Kinship Guardianship Assistance program (the program) to facilitate child placements with relatives, including fictive kin, and ensure permanency for children in foster care. The bill sets forth eligibility criteria for the program, payment allowances to kinship guardians, and requirements for kinship guardianship assistance agreements. The bill also expands eligibility for the Federal-Funded Kinship Guardianship Assistance program by allowing payments to be made to fictive kin who receive custody of a child of whom they have been the foster parent.

Taxation

Passed

HB 200/HB 486/HB 1631/SB 224/SB 943/SB 1028 Additional sales and use tax in certain localities; appropriations to incorporated towns for educational purposes. These bills authorize Charlotte County, Gloucester County, Henry County, Northampton County, Mecklenburg County, Patrick County, Pittsylvania County, and the City of Danville to impose an additional local sales and use tax at a rate not to exceed one percent, as determined by the governing body, if initiated by a resolution of the local governing body and approved by the voters at a referendum. The bill requires the governing body to specify in the enacting ordinance the time period, not to exceed 20 years, for which the tax would be imposed. Revenue from the tax shall be used solely for capital projects for new construction or major renovation of schools in the locality enacting the tax. Under current law, only Halifax County has the authority to impose such tax.

HB 785/SB 588 Local tax authority. Modifies or eliminates several restrictions that apply to taxes imposed by counties and establishes a new restriction on cigarette taxes imposed by any locality. The bill authorizes most counties to impose an admissions tax, not to exceed a 10 percent rate. Under current law, only certain counties may impose an admissions tax. The bill eliminates the limit on the rate of transient occupancy tax that a county may impose. The bill requires that any revenue attributable to a rate over two percent but not exceeding five percent must be dedicated to tourism marketing. Under current law, all counties may impose a transient occupancy tax of up to two percent, and certain counties may impose it up to a higher maximum rate. The bill authorizes any county to impose a cigarette tax up to a maximum rate of 40 cents per pack. It also provides that any locality that imposes such tax at a rate higher than 40 cents per pack may not increase such rate. The provisions related to the cigarette tax have a delayed effective date of July 1, 2021. Under current law, only certain counties may impose a cigarette tax, and cities and towns may impose such tax with no limit on the rate. The bill authorizes any county to impose a food and beverage tax of up to six percent and eliminates the requirement that a county hold a referendum before imposing such tax. Under current law, all counties may impose the tax after a referendum but the rate may not exceed four percent.

HB 1407/SB 744 Misclassification of employees as independent contractors; Department of Taxation to investigate and enforce; civil penalties. Prohibits an employer from classifying an individual as an independent contractor if he is an employee. An individual shall be considered an employee of the party that pays the remuneration unless and until it is shown that such individual is an independent contractor under Internal Revenue Service guidelines. Violators are subject to civil penalties and debarment from public contracts. The bill has a delayed effective date of January 1, 2021.

Failed

HB 734 Income tax; rolling conformity with the Internal Revenue Code. Provides that Virginia shall generally conform to federal tax laws on a rolling basis, meaning that Virginia tax laws incorporate changes to the Internal Revenue Code as soon as Congress enacts them. However, the bill also provides that unless subsequently adopted by the General Assembly, Virginia shall not conform to any amendments to the Internal Revenue Code that have an impact of \$10 million or more on Virginia tax revenues in the fiscal year in which the amendment was enacted or any of the next four years. The Secretary of Finance, in consultation with the Chairmen of the Senate Committee on Finance and Appropriations and the House Committees on Appropriations and Finance, shall be responsible for

determining when an amendment meets these criteria. The bill applies to taxable years beginning on and after January 1, 2019.

Technology

Passed

HB 742 Local regulation of unmanned aircraft. Authorizes a political subdivision, by ordinance or regulation, to regulate the take-off or landing of certain unmanned aircraft on property owned by the political subdivision in accordance with the rules and regulations adopted by the Department of Aviation. The bill requires the locality to report the ordinance or regulation to the Department and directs the Department to publish a summary on the locality's website. The bill also directs the Department, by January 1, 2021, to develop rules and regulations specific to take-offs and landings in consultation with representatives of the unmanned aircraft system industry, small and medium-sized businesses utilizing unmanned aircraft systems, localities, and other stakeholders. The bill has a delayed effective date of January 1, 2021.

HB 817 Department of Education; Department of Health; guidelines for use of digital devices in public schools. Requires the Department of Education, in collaboration with the Department of Health and medical professional societies, to develop and distribute health and safety best practice guidelines for the use of digital devices in public schools no later than the 2021-2022 school year.

HB 1082 Emergency Services and Disaster Law; definition of disaster; incidents involving cyber systems. Defines "cyber incident" for purposes of the Emergency Services and Disaster Law as an event occurring on or conducted through a computer network that actually or imminently jeopardizes the integrity, confidentiality, or availability of computers, information or communications systems or networks, physical or virtual infrastructure controlled by computers or information systems, or information resident thereon. The bill provides that a cyber incident may include a vulnerability in information systems, system security procedures, internal controls, or implementations that could be exploited by a threat source.

SB 630 Common interest communities; electric vehicle charging stations permitted. Prohibits certain common interest community associations from prohibiting the installation of an electric vehicle charging station within the boundaries of a member's unit or limited common element parking space appurtenant to the unit owned by the unit owner or, in the case of a property owners' association, a lot owner's property, and sets forth provisions governing the installation and removal of such charging stations. The bill also requires the association

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member installing an electric vehicle charging station to indemnify and hold the association harmless from all liability resulting from a claim arising out of the installation, maintenance, operation, or use of such charging station.

Carried Over

HB 1215 Biometric data; employer policy on storage, protection, and destruction; civil penalty. Establishes the parameters for the capture and safekeeping of biometric data by employers. The bill defines "biometric data" as a retina or iris scan, fingerprint, voiceprint, record of hand or face geometry, or any other means of information, regardless of how it is captured or stored, that is used to identify an individual based on biological identifiers. Once the purpose for capturing the data is complete, or after three years from the date it is last used for its initial purpose, whichever occurs first, the biometric data must be destroyed. An employer who violates the requirements of the bill is subject to a civil penalty of not more than \$25,000 for each violation. The bill also provides a right of action against employers who violate the parameters of capturing and safekeeping biometric data.

Transportation Finance

Passed

HB 1414/SB 890 Transportation. Amends numerous laws related to transportation funds, revenue sources, construction, and safety programs. The bill adopts numerous structural changes to the transportation funding system in the Commonwealth. Most transportation revenues are directed to a new Commonwealth Transportation Fund and the existing Highway Maintenance and Operating Fund. Funds are then disbursed, based on codified formulas, to subfunds established to meet the varying transportation needs of different modes of transportation. The existing gas tax based on a percentage of the wholesale price of gasoline and diesel fuel is converted to a cents-per-gallon tax. A rate of \$0.262 per gallon of gasoline will be phased in over two years, and then indexed every year thereafter. The regional gas tax will be converted to a rate of \$0.076 per gallon of gasoline and will be imposed everywhere in the Commonwealth that a regional gas tax is not already imposed. Registration fees for motor vehicles will be lowered. The Department of Motor Vehicles will implement a Highway Use Fee for alternative fuel and fuel-efficient vehicles. Alternatively, a person whose vehicles are subject to this new fee may elect to instead enroll in a mileage-based user fee program to be developed by the Department. The bill also eliminates the \$5 walk-in fee for conducting certain transactions in person at the Department of Motor Vehicles and prohibits a person from being issued a citation for both an expired motor

vehicle inspection sticker and faulty equipment. In Northern Virginia, the regional transportation improvement fee, used to support WMATA, is lowered to \$0.10 per \$100 for the recordation of conveyance of a deed. A new regional congestion fee is imposed at a rate of \$0.10 per \$100 for the recordation of conveyance of a deed. The regional transient occupancy tax is raised from two percent to three percent. The bill authorizes the use of transportation bonds to complete the final section of Corridor Q of the Appalachian Development Highway System, and authorizes a bond issuance for improvements in the Interstate 81 and Interstate 66 corridors. The bill establishes a new Virginia Passenger Rail Authority. The bill also creates numerous new transportation safety programs, including an Interstate Operations and Enhancement Program, a Virginia Highway Safety Improvement Program, the Statewide Special Structures Program, and a Transit Incentive Program.

HB 1541 Creation of the Central Virginia Transportation Authority; funding. Creates the Central Virginia Transportation Authority, comprising the counties and cities located in Planning District 15. The Authority will administer transportation funding generated through the imposition of an additional regional 0.7 percent sales and use tax and a wholesale gas tax of 7.6 cents per gallon of gasoline and 7.7 cents per gallon of diesel fuel. The gas tax rates are indexed for inflation.

HB 1726/SB 1038 Hampton Roads Regional Transit Program. Creates the Hampton Roads Regional Transit Program to develop, maintain, and improve a regional network of transit routes and related infrastructure, rolling stock, and support facilities. The program is funded by an additional (i) regional grantor's tax at a rate of \$0.06 per \$100 of the consideration for the conveyance and (ii) regional transient occupancy tax at a rate of one percent of the charge for the occupancy, both imposed in localities in the Hampton Roads Transportation District. The bill also dedicates \$20 million of revenues from existing recordation taxes to funding the program. The moneys will be deposited into the Hampton Roads Regional Transit Fund, created by the bill.

Transportation/Motor Vehicles

Passed

HB 874/SB 160 Holding handheld personal communications devices while driving a motor vehicle. Prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits (i) the reading of any email or text message and manually entering letters or text in such a device as a means of communicating and (ii) holding a personal communications device while driving in a work zone. The bill expands the exemptions to include handheld personal

communications devices that are being held and used (a) as an amateur radio or a citizens band radio or (b) for official Department of Transportation or traffic incident management services. The bill has a delayed effective date of January 1, 2021.

HB 1211/SB 34 Driver privilege cards; penalty. Authorizes the issuance of new driver privilege cards by the Department of Motor Vehicles to an applicant who (i) has reported income from Virginia sources or been claimed as a dependent on an individual tax return filed with the Commonwealth in the preceding 12 months and (ii) is not in violation of the insurance requirements for the registration of an uninsured motor vehicle. The bill provides that driver privilege cards shall confer the same privileges and shall be subject to the same provisions as driver's licenses and permits; however, driver privilege cards shall not (a) confer voting privileges, (b) permit an individual to waive any part of the driver examination, or (c) have their issuance be contingent upon the applicant's ability to produce proof of legal presence in the United States. The bill limits the release of certain information stored by the Department. The bill provides for the term "driver's license" to consistently refer to all driver's licenses, permits, driver privilege cards, and special identification cards issued by the Commonwealth or the comparable law of another jurisdiction. The bill authorizes the issuance of a limited-duration driver's license and special identification card to an applicant presenting valid documentary evidence that a federal court or federal agency having jurisdiction over immigration has authorized the applicant to be in the United States for a period of at least 30 days from the date of application. The bill authorizes the Tax Commissioner to provide to the Commissioner of the Department information sufficient to verify that an applicant for a driver privilege card or permit reported income from Virginia sources or was claimed as a dependent on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill has a delayed effective date of January 1, 2021.

HB 1442 Photo speed monitoring devices; civil penalty. Authorizes state and local law-enforcement agencies to operate photo speed monitoring devices, defined in the bill, in or around school crossing zones and highway work zones for the purpose of recording images of vehicles that are traveling at speeds of at

least 10 miles per hour above the posted school crossing zone or highway work zone speed limit within such school crossing zone or highway work zone when such zone is indicated by conspicuously placed signs displaying the maximum speed limit and that such photo speed monitoring devices are used in the area. The bill provides that the operator of a vehicle shall be liable for a monetary civil penalty, not to exceed \$100, if such vehicle is found to be traveling at speeds of at least 10 miles per hour above the posted highway work zone or school crossing zone speed limit by the photo speed monitoring device. The bill provides that if the summons for a violation is issued by mail, the violation shall not be reported on the driver's operating record or to the driver's insurance agency, but if the violation is personally issued by an officer at the time of the violation, such violation shall be part of the driver's record and used for insurance purposes. The bill provides that the civil penalty will be paid to the locality in which the violation occurred if the summons is issued by a local law-enforcement officer and paid to the Literary Fund if the summons is issued by a law-enforcement officer employed by the Department of State Police.

Failed

HB 983/SB 644 Traffic incident management vehicles. Authorizes traffic incident management vehicles, defined in the bill, operated by persons who meet certain training requirements to be equipped with sirens and flashing red or red and white secondary warning lights and to be exempt from certain traffic regulations at or en route to the scene of a traffic accident or similar incident.

SB 907 Transportation safety. Requires all passengers in a vehicle to wear safety belts and allows localities to lower the speed limit below 25, but not less than 15, miles per hour in business and residential districts.

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