

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact §§ 2.2-507, 2.2-1122, 2.2-1205, 2.2-1206, 2.2-2821.2, 2.2-4501, 4.1-206,
2 8.01-66.2, 8.01-66.5, 8.01-66.7, 8.01-66.8, 8.01-225, 8.01-226.5:2, 8.01-420.2, 8.01-581.13,
3 8.01-581.19, 9.1-300 through 9.1-303, 9.1-400, 9.1-700, 9.1-801, 10.1-1141, 15.2-622, 15.2-831,
4 15.2-953, 15.2-954.1, 15.2-955, 15.2-1512.2, 15.2-1714, 15.2-1716, 15.2-1716.1, 16.1-228, 18.2-
5 51.1, 18.2-121.2, 18.2-154, 18.2-174.1, 18.2-212, 18.2-340.16, 18.2-340.23, 18.2-340.34:1, 18.2-
6 371, 18.2-371.1, 18.2-414.1, 18.2-426, 18.2-429, 18.2-488.1, 22.1-279.8, 27-1 through 27-3, 27-
7 4, 27-6.1, 27-7, 27-8, 27-9, 27-10, 27-11, 27-13, 27-14, 27-15.1, 27-15.2, 27-17, 27-17.1, 27-20,
8 27-21, 27-23.1 through 27-23.5, 27-23.9, 29.1-355, 29.1-530.4, 29.1-702, 29.1-733.7, 32.1-45.1,
9 32.1-46.02, 32.1-111.1 through 32.1-111.9, 32.1-111.12, 32.1-111.13, 32.1-111.14, 32.1-111.15,
10 32.1-116.1:1, 32.1-116.3, 32.1-283.2, 32.1-291.12, 33.2-262, 33.2-501, 33.2-503, 33.2-613,
11 35.1-25, 38.2-1904, 38.2-2005, 38.2-2201, 38.2-2202, 38.2-3407.9, 40.1-79.01, 40.1-103, 44-
12 146.28, 45.1-161.199, 46.2-208, 46.2-334.01, 46.2-502, 46.2-644.2, 46.2-649.1:1, 46.2-694, as it
13 is currently effective and as it may become effective, 46.2-698, 46.2-726, 46.2-735, 46.2-752,
14 46.2-818, 46.2-915.1, 46.2-920, 46.2-921, 46.2-1020, 46.2-1023, 46.2-1024, 46.2-1025, 46.2-
15 1027, 46.2-1028, 46.2-1029.2, 46.2-1044, 46.2-1052, 46.2-1076, 46.2-1077.1, 46.2-1078.1, 46.2-
16 1239, 46.2-1900, 46.2-2000.1, 51.1-153, 51.1-155, 51.1-169, 51.1-1200, 51.1-1201, 51.1-1203,
17 51.1-1204, 51.1-1206, 51.1-1207, 51.1-1208, 53.1-47, 53.1-133.8, 54.1-829, 54.1-3408, 56-
18 484.14, 57-60, 58.1-1404, 58.1-1505, 58.1-2226, 58.1-2235, 58.1-2250, 58.1-2259, 58.1-2403,
19 58.1-3506, 58.1-3610, 58.1-3833, 58.1-3840, 63.2-100, 63.2-1515, 65.2-101, 65.2-102, 65.2-402,
20 65.2-402.1, and 66-25.1 of the Code of Virginia; to amend the Code of Virginia by adding
21 sections numbered 27-6.01, 27-6.02, 27-15.1:1, 32.1-111.4:1 through 32.1-111.4:8, and 32.1-
22 111.14:2 through 32.1-111.14:9; and to repeal §§ 27-8.1, 27-19, 27-23.6, 32.1-111.10, and 32.1-
23 111.11 of the Code of Virginia, relating to fire services and emergency medical services.

24 **Be it enacted by the General Assembly of Virginia:**

25 1. That §§ 2.2-507, 2.2-1122, 2.2-1205, 2.2-1206, 2.2-2821.2, 2.2-4501, 4.1-206, 8.01-66.2, 8.01-66.5,
26 8.01-66.7, 8.01-66.8, 8.01-225, 8.01-226.5:2, 8.01-420.2, 8.01-581.13, 8.01-581.19, 9.1-300 through
27 9.1-303, 9.1-400, 9.1-700, 9.1-801, 10.1-1141, 15.2-622, 15.2-831, 15.2-953, 15.2-954.1, 15.2-955,
28 15.2-1512.2, 15.2-1714, 15.2-1716, 15.2-1716.1, 16.1-228, 18.2-51.1, 18.2-121.2, 18.2-154, 18.2-174.1,
29 18.2-212, 18.2-340.16, 18.2-340.23, 18.2-340.34:1, 18.2-371, 18.2-371.1, 18.2-414.1, 18.2-426, 18.2-
30 429, 18.2-488.1, 22.1-279.8, 27-1 through 27-3, 27-4, 27-6.1, 27-7, 27-8, 27-9, 27-10, 27-11, 27-13,
31 27-14, 27-15.1, 27-15.2, 27-17, 27-17.1, 27-20, 27-21, 27-23.1 through 27-23.5, 27-23.9, 29.1-355,
32 29.1-530.4, 29.1-702, 29.1-733.7, 32.1-45.1, 32.1-46.02, 32.1-111.1 through 32.1-111.9, 32.1-111.12,
33 32.1-111.13, 32.1-111.14, 32.1-111.15, 32.1-116.1:1, 32.1-116.3, 32.1-283.2, 32.1-291.12, 33.2-262,
34 33.2-501, 33.2-503, 33.2-613, 35.1-25, 38.2-1904, 38.2-2005, 38.2-2201, 38.2-2202, 38.2-3407.9, 40.1-
35 79.01, 40.1-103, 44-146.28, 45.1-161.199, 46.2-208, 46.2-334.01, 46.2-502, 46.2-644.2, 46.2-649.1:1,
36 46.2-694, as it is currently effective and as it may become effective, 46.2-698, 46.2-726, 46.2-735,
37 46.2-752, 46.2-818, 46.2-915.1, 46.2-920, 46.2-921, 46.2-1020, 46.2-1023, 46.2-1024, 46.2-1025, 46.2-
38 1027, 46.2-1028, 46.2-1029.2, 46.2-1044, 46.2-1052, 46.2-1076, 46.2-1077.1, 46.2-1078.1, 46.2-1239,
39 46.2-1900, 46.2-2000.1, 51.1-153, 51.1-155, 51.1-169, 51.1-1200, 51.1-1201, 51.1-1203, 51.1-1204,
40 51.1-1206, 51.1-1207, 51.1-1208, 53.1-47, 53.1-133.8, 54.1-829, 54.1-3408, 56-484.14, 57-60, 58.1-
41 1404, 58.1-1505, 58.1-2226, 58.1-2235, 58.1-2250, 58.1-2259, 58.1-2403, 58.1-3506, 58.1-3610, 58.1-
42 3833, 58.1-3840, 63.2-100, 63.2-1515, 65.2-101, 65.2-102, 65.2-402, 65.2-402.1, and 66-25.1 of the
43 Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding
44 sections numbered 27-6.01, 27-6.02, 27-15.1:1, 32.1-111.4:1 through 32.1-111.4:8, and 32.1-
45 111.14:2 through 32.1-111.14:9 as follows:

46 § 2.2-507. Legal service in civil matters.

47 A. All legal service in civil matters for the Commonwealth, the Governor, and every state
48 department, institution, division, commission, board, bureau, agency, entity, official, court, or judge,
49 including the conduct of all civil litigation in which any of them are interested, shall be rendered and
50 performed by the Attorney General, except as provided in this chapter and except for any litigation
51 concerning a justice or judge initiated by the Judicial Inquiry and Review Commission. No regular

52 counsel shall be employed for or by the Governor or any state department, institution, division,
53 commission, board, bureau, agency, entity, or official. The Attorney General may represent personally
54 or through one or more of his assistants any number of state departments, institutions, divisions,
55 commissions, boards, bureaus, agencies, entities, officials, courts, or judges that are parties to the same
56 transaction or that are parties in the same civil or administrative proceeding and may represent multiple
57 interests within the same department, institution, division, commission, board, bureau, agency, or entity.
58 The soil and water conservation district directors or districts may request legal advice from local, public,
59 or private sources; however, upon request of the soil and water conservation district directors or
60 districts, the Attorney General shall provide legal service in civil matters for such district directors or
61 districts.

62 B. The Attorney General may represent personally or through one of his assistants any of the
63 following persons who are made defendant in any civil action for damages arising out of any matter
64 connected with their official duties:

- 65 1. Members, agents or employees of the Alcoholic Beverage Control Board;
- 66 2. Agents inspecting or investigators appointed by the State Corporation Commission;
- 67 3. Agents, investigators, or auditors employed by the Department of Taxation;
- 68 4. Members, agents or employees of the State Board of Behavioral Health and Developmental
69 Services, the Department of Behavioral Health and Developmental Services, the State Board of Health,
70 the State Department of Health, the Department of General Services, the State Board of Social Services,
71 the Department of Social Services, the State Board of Corrections, the Department of Corrections, the
72 State Board of Juvenile Justice, the Department of Juvenile Justice, the Virginia Parole Board, or the
73 Department of Agriculture and Consumer Services;
- 74 5. Persons employed by the Commonwealth Transportation Board, the Department of
75 Transportation, or the Department of Rail and Public Transportation;
- 76 6. Persons employed by the Commissioner of Motor Vehicles;
- 77 7. Persons appointed by the Commissioner of Marine Resources;
- 78 8. Police officers appointed by the Superintendent of State Police;

- 79 9. Conservation police officers appointed by the Department of Game and Inland Fisheries;
- 80 10. Hearing officers appointed to hear a teacher's grievance pursuant to § 22.1-311;
- 81 11. Staff members or volunteers participating in a court-appointed special advocate program
- 82 pursuant to Article 5 (§ 9.1-151 et seq.) of Chapter 1 of Title 9.1;
- 83 12. Any emergency medical ~~service~~ services agency that is a licensee of the Department of
- 84 Health in any civil matter and any guardian ad litem appointed by a court in a civil matter brought
- 85 against him for alleged errors or omissions in the discharge of his court-appointed duties;
- 86 13. Conservation officers of the Department of Conservation and Recreation; or
- 87 14. A person appointed by written order of a circuit court judge to run an existing corporation or
- 88 company as the judge's representative, when that person is acting in execution of a lawful order of the
- 89 court and the order specifically refers to this section and appoints such person to serve as an agent of the
- 90 Commonwealth.

91 Upon request of the affected individual, the Attorney General may represent personally or

92 through one of his assistants any basic or advanced emergency medical care attendant or technician

93 possessing a valid certificate issued by authority of the State Board of Health in any civil matter in

94 which a defense of immunity from liability is raised pursuant to § 8.01-225.

95 C. If, in the opinion of the Attorney General, it is impracticable or uneconomical for such legal

96 service to be rendered by him or one of his assistants, he may employ special counsel for this purpose,

97 whose compensation shall be fixed by the Attorney General. The compensation for such special counsel

98 shall be paid out of the funds appropriated for the administration of the board, commission, division or

99 department being represented or whose members, officers, inspectors, investigators, or other employees

100 are being represented pursuant to this section. Notwithstanding any provision of this section to the

101 contrary, the Supreme Court may employ its own counsel in any matter arising out of its official duties

102 in which it, or any justice, is a party.

103 **§ 2.2-1122. Aid and cooperation of Division may be sought by any public body or public**

104 **broadcasting station in making purchases; use of facilities of Virginia Distribution Center;**

105 **services to certain volunteer organizations.**

106 A. Virginia public broadcasting stations as defined in § 22.1-20.1, and public bodies as defined
107 in § 2.2-4300 who are empowered to purchase material, equipment, and supplies of any kind, may
108 purchase through the Division. When any such public body, public broadcasting station, or duly
109 authorized officer requests the Division to obtain bids for any materials, equipment and supplies, and the
110 bids have been obtained by the Division, the Division may award the contract to the lowest responsible
111 bidder, and the public body or public broadcasting station shall be bound by the contract. The Division
112 shall set forth in the purchase order that the materials, equipment, and supplies be delivered to, and that
113 the bill be rendered and forwarded to, the public body or public broadcasting station. Any such bill shall
114 be a valid and enforceable claim against the public body or public broadcasting station requesting the
115 bids.

116 B. The Division may make available to any public body or public broadcasting station the
117 facilities of the Virginia Distribution Center maintained by the Division; however, the furnishing of any
118 such services or supplies shall not limit or impair any services or supplies normally rendered any
119 department, division, institution, or agency of the Commonwealth.

120 C. The Board of Education shall furnish to the Division a list of public broadcasting stations in
121 Virginia for the purposes of this section.

122 D. The services or supplies authorized by this section shall extend to any volunteer fire company
123 or volunteer ~~rescue squad~~ emergency medical services agency that is recognized by an ordinance to be a
124 part of the safety program of a county, city, or town when the services or supplies are sought through
125 and approved by the governing body of such county, city, or town.

126 E. ~~"Public~~ For purposes of this section, "public broadcasting station" means the same as that term
127 is defined in § 22.1-20.1.

128 **§ 2.2-1205. Purchase of continued health insurance coverage by the surviving spouse and**
129 **any dependents of an active or retired local law-enforcement officer, firefighter, etc., through the**
130 **Department.**

131 A. The surviving spouse and any dependents of an active or retired law-enforcement officer of
132 any county, city, or town of the Commonwealth; a jail officer; a regional jail or jail farm superintendent;

133 a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond; or a member
134 of any fire company or department or ~~rescue squad~~ emergency medical services agency that has been
135 recognized by an ordinance or a resolution of the governing body of any county, city, or town of ~~this~~ the
136 Commonwealth as an integral part of the official safety program of such county, city, or town; ~~or a~~
137 ~~member of an emergency medical services department,~~ whose death occurs as the direct or proximate
138 result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813,
139 and 65.2-402, shall be entitled, upon proper application to the Department, to purchase continued health
140 insurance coverage on the following conditions: (i) on the date of death, the deceased participated in a
141 health insurance plan administered by the Department pursuant to § 2.2-1204 and (ii) on the date of the
142 deceased's death, the applicants were included in the health insurance plan in ~~condition clause~~ (i) ~~of this~~
143 ~~subsection~~. The health insurance plan administered by the Department pursuant to § 2.2-1204 shall
144 provide means whereby coverage for the spouse and any dependents of the deceased as provided in this
145 section may be purchased. The spouse and any dependents of the deceased who purchase continued
146 health insurance coverage pursuant to this section shall pay the same portion of the applicable premium
147 as active employees pay for the same class of coverage, and the local government employer that
148 employed the deceased shall pay the remaining portion of the premium.

149 B. Any application to purchase continued health insurance coverage hereunder shall be made in
150 writing to the Department within ~~sixty~~ 60 days of the date of the deceased's death. The time for making
151 application may be extended by the Department for good cause shown.

152 C. In addition to any necessary information requested by the Department, the application shall
153 state whether conditions ~~(i) and (ii)~~ set forth in clauses (i) and (ii) of subsection A ~~of this section~~ have
154 been met. If the Department states that such conditions have not been met, the Department shall conduct
155 an informal fact-finding conference or consultation with the applicant pursuant to § 2.2-4019 of the
156 Administrative Process Act. Upon scheduling the conference or consultation, the provisions of the
157 Administrative Process Act (§ 2.2-4000 et seq.) shall apply thereafter.

158 D. Upon payment of any required premiums, coverage shall automatically be extended during
159 the period for making application and shall be effective retroactive to the date of the deceased's death.

160 E. The terms, conditions, and costs of continued health insurance coverage purchased hereunder
161 shall be subject to administration by the Department. The Department may increase the cost of coverage
162 consistent with its administration of health insurance plans under § 2.2-1204. However, at no time shall
163 a surviving spouse or dependents pay more for continued health insurance coverage than active
164 employees pay under the same plan for the same class of coverage.

165 F. For the surviving spouse, continued health insurance coverage purchased hereunder shall
166 automatically terminate upon occurrence of any of the following: (i) death, (ii) remarriage, (iii) alternate
167 health insurance coverage being obtained, or (iv) any applicable condition outlined in the policies and
168 procedures of the Department governing health insurance plans administered pursuant to § 2.2-1204.

169 G. For any surviving dependents, continued health insurance coverage purchased hereunder shall
170 automatically terminate upon occurrence of any of the following: (i) death; (ii) marriage; (iii) alternate
171 health insurance coverage being obtained; (iv) attaining the age of ~~twenty-one~~ 21, unless the dependent
172 is (a) a full-time college student, in which event coverage shall not terminate until such dependent has
173 either attained the age of ~~twenty-five~~ 25 or until such time as the dependent ceases to be a full-time
174 college student, whichever occurs first, or (b) under a mental or physical disability, in which event
175 coverage shall not terminate until three months following cessation of the disability; or (v) any
176 applicable condition outlined in the policies and procedures of the Department governing health
177 insurance plans administered pursuant to § 2.2-1204.

178 **§ 2.2-1206. Purchase of continued health insurance coverage by the surviving spouse and**
179 **any dependents of an active local law-enforcement officer, firefighter, etc., through a plan sponsor.**

180 A. For the purposes of this section, "plan sponsor" means a local government employer that has
181 established a plan of health insurance coverage for its employees, retirees and dependents of employees
182 as are described in subsection B.

183 B. The surviving spouse and any dependents of an active law-enforcement officer of any county,
184 city, or town of ~~this the~~ Commonwealth; a jail officer; a regional jail or jail farm superintendent; a
185 sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond; or a member of
186 any fire company or department or ~~rescue-squad~~ emergency medical services agency that has been

187 recognized by an ordinance or a resolution of the governing body of any county, city, or town of ~~this the~~
188 Commonwealth as an integral part of the official safety program of such county, city, or town; ~~or a~~
189 ~~member of an emergency medical services department;~~ whose death occurs as the direct or proximate
190 result of the performance of his duty shall be entitled, upon proper application to the appropriate plan
191 sponsor, to purchase continued health insurance coverage on the following conditions: (i) on the date of
192 death, the deceased participated in a health insurance plan administered by the plan sponsor and (ii) on
193 the date of the deceased's death, the applicants were included in the health insurance plan in ~~condition~~
194 clause (i) of this subsection. The health insurance plan administered by the plan sponsor shall provide
195 means whereby coverage for the spouse and any dependents of the deceased as provided in this section
196 may be purchased.

197 C. Any application to purchase continued health insurance coverage hereunder shall be made in
198 writing to the plan sponsor within ~~sixty~~ 60 days of the date of the deceased's death. The time for making
199 application may be extended by the plan sponsor for good cause shown.

200 D. In addition to any necessary information requested by the plan sponsor, the application shall
201 state whether conditions ~~(i) and (ii)~~ set forth in clauses (i) and (ii) of subsection B have been met. If the
202 plan sponsor states that such conditions have not been met, the plan sponsor, notwithstanding the
203 provisions of §§ 2.2-4002, 2.2-4006, or ~~§~~ 2.2-4011, shall conduct an informal fact-finding conference or
204 consultation with the applicant pursuant to § 2.2-4019 of the Administrative Process Act. Upon
205 scheduling the conference or consultation, the provisions of the local government's grievance procedure
206 for nonprobationary, permanent employees shall apply thereafter.

207 E. Upon payment of any required premiums, coverage shall automatically be extended during the
208 period for making application and shall be effective retroactive to the date of the deceased's death.

209 F. The terms, conditions, and costs of continued health insurance coverage purchased hereunder
210 shall be subject to administration by the plan sponsor. The plan sponsor may increase the cost of
211 coverage consistent with its administration of health insurance plans under § 2.2-1204. However, at no
212 time shall the surviving spouse or dependents pay more for continued health insurance coverage than the
213 active employee rate under the same plan for the same class of coverage.

214 G. For the surviving spouse, continued health insurance coverage purchased hereunder shall
215 automatically terminate upon occurrence of any of the following: (i) death, (ii) remarriage, (iii) alternate
216 health insurance coverage being obtained, or (iv) any applicable condition outlined in the policies and
217 procedures of the plan sponsor governing health insurance plans administered for its active employees.

218 H. For any surviving dependents, continued health insurance coverage purchased hereunder shall
219 automatically terminate upon occurrence of any of the following: (i) death; (ii) marriage; (iii) alternate
220 health insurance coverage being obtained; (iv) attaining the age of ~~twenty-one~~ 21, unless the dependent
221 is (a) a full-time college student, in which event coverage shall not terminate until such dependent has
222 either attained the age of ~~twenty-five~~ 25 or until such time as the dependent ceases to be a full-time
223 college student, whichever occurs first, or (b) under a mental or physical disability, in which event
224 coverage shall not terminate until three months following cessation of the disability; or (v) any
225 applicable condition outlined in the policies and procedures of the plan sponsor governing health
226 insurance plans administered for its active employees.

227 **§ 2.2-2821.2. Leave for volunteer fire and volunteer emergency medical services.**

228 State employees shall be allowed up to 24 hours of paid leave in any calendar year, in addition to
229 other paid leave, to serve with a volunteer fire department ~~and rescue squad~~ or volunteer emergency
230 medical services agency or auxiliary unit thereof that has been recognized in accordance with § 15.2-955
231 by an ordinance or resolution of the political subdivision where the volunteer fire department or ~~rescue~~
232 ~~squad~~ volunteer emergency medical services agency is located as being a part of the safety program of
233 such political subdivision. The Department shall develop personnel policies providing for the use of
234 such leave. For the purposes of this section, "state employee" means any person who is regularly
235 employed full time on a salaried basis, whose tenure is not restricted as to temporary or provisional
236 appointment, in the service of, and whose compensation is payable, no more often than biweekly, in
237 whole or in part, by the Commonwealth or any department, institution, or agency thereof.

238 **§ 2.2-4501. Legal investments for other public funds.**

239 A. The Commonwealth, all public officers, municipal corporations, other political subdivisions
240 and all other public bodies of the Commonwealth may invest any and all moneys belonging to them or
241 within their control, other than sinking funds, in the following:

242 1. Stocks, bonds, notes, and other evidences of indebtedness of the Commonwealth and those
243 unconditionally guaranteed as to the payment of principal and interest by the Commonwealth.

244 2. Bonds, notes and other obligations of the United States, and securities unconditionally
245 guaranteed as to the payment of principal and interest by the United States, or any agency thereof. The
246 evidences of indebtedness enumerated by this subdivision may be held directly, or in the form of
247 repurchase agreements collateralized by such debt securities, or in the form of securities of any open-end
248 or closed-end management type investment company or investment trust registered under the Investment
249 Company Act of 1940, provided that the portfolio of such investment company or investment trust is
250 limited to such evidences of indebtedness, or repurchase agreements collateralized by such debt
251 securities, or securities of other such investment companies or investment trusts whose portfolios are so
252 restricted.

253 3. Stocks, bonds, notes and other evidences of indebtedness of any state of the United States
254 upon which there is no default and upon which there has been no default for more than ~~ninety 90~~ days;
255 provided; that within the ~~twenty 20~~ fiscal years next preceding the making of such investment, such state
256 has not been in default for more than ~~ninety 90~~ days in the payment of any part of principal or interest of
257 any debt authorized by the legislature of such state to be contracted.

258 4. Stocks, bonds, notes and other evidences of indebtedness of any county, city, town, district,
259 authority or other public body in the Commonwealth upon which there is no default;
260 the principal and interest be payable from revenues or tolls and the project has not been completed, or if
261 completed, has not established an operating record of net earnings available for payment of principal and
262 interest equal to estimated requirements for that purpose according to the terms of the issue, the
263 standards of judgment and care required in Article 9 (§ 64.2-780 et seq.) of Chapter 7 of Title 64.2,
264 without reference to this section, shall apply.

265 In any case in which an authority, having an established record of net earnings available for
266 payment of principal and interest equal to estimated requirements for that purpose according to the terms
267 of the issue, issues additional evidences of indebtedness for the purposes of acquiring or constructing
268 additional facilities of the same general character that it is then operating, such additional evidences of
269 indebtedness shall be governed by the provisions of this section without limitation.

270 5. Legally authorized stocks, bonds, notes and other evidences of indebtedness of any city,
271 county, town₂ or district situated in any one of the states of the United States upon which there is no
272 default and upon which there has been no default for more than ~~ninety 90~~ days; provided, that (i) within
273 the ~~twenty 20~~ fiscal years next preceding the making of such investment, such city, county, town₂ or
274 district has not been in default for more than ~~ninety 90~~ days in the payment of any part of principal or
275 interest of any stock, bond, note or other evidence of indebtedness issued by it; (ii) such city, county,
276 town₂ or district shall have been in continuous existence for at least ~~twenty 20~~ years; (iii) such city,
277 county, town₂ or district has a population, as shown by the federal census next preceding the making of
278 such investment, of not less than 25,000 inhabitants; (iv) the stocks, bonds, notes or other evidences of
279 indebtedness in which such investment is made are the direct legal obligations of the city, county, town₂
280 or district issuing the same; (v) the city, county, town₂ or district has power to levy taxes on the taxable
281 real property therein for the payment of such obligations without limitation of rate or amount; and (vi)
282 the net indebtedness of such city, county, town₂ or district (including the issue in which such investment
283 is made), after deducting the amount of its bonds issued for self-sustaining public utilities, does not
284 exceed ~~ten 10~~ percent of the value of the taxable property in such city, county, town₂ or district, to be
285 ascertained by the valuation of such property therein for the assessment of taxes next preceding the
286 making of such investment.

287 6. Bonds and other obligations issued, guaranteed or assumed by the International Bank for
288 Reconstruction and Development, by the Asian Development Bank or by the African Development
289 Bank.

290 B. This section shall not apply to funds authorized by law to be invested by the Virginia
291 Retirement System or to deferred compensation plan funds to be invested pursuant to § 51.1-601 or to

292 funds contributed by a locality to a pension program for the benefit of any volunteer fire department ~~and~~
293 ~~rescue squad~~ or volunteer emergency medical services agency established pursuant to § 15.2-955.

294 C. Investments made prior to July 1, 1991, pursuant to § 51.1-601 are ratified and deemed valid
295 to the extent that such investments were made in conformity with the standards set forth in Chapter 6 (§
296 51.1-600 et seq.) of Title 51.1.

297 **§ 4.1-206. Alcoholic beverage licenses.**

298 The Board may grant the following licenses relating to alcoholic beverages generally:

299 1. Distillers' licenses, which shall authorize the licensee to manufacture alcoholic beverages other
300 than wine and beer, and to sell and deliver or ship the same, in accordance with Board regulations, in
301 closed containers, to the Board and to persons outside the Commonwealth for resale outside the
302 Commonwealth. When the Board has established a government store on the distiller's licensed premises
303 pursuant to subsection D of § 4.1-119, such license shall also authorize the licensee to make a charge to
304 consumers to participate in an organized tasting event conducted in accordance with subsection G of §
305 4.1-119 and Board regulations.

306 2. Fruit distillers' licenses, which shall authorize the licensee to manufacture any alcoholic
307 beverages made from fruit or fruit juices, and to sell and deliver or ship the same, in accordance with
308 Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for
309 resale outside the Commonwealth.

310 3. Banquet facility licenses to volunteer fire departments and volunteer ~~rescue squads~~ emergency
311 medical services agencies, which shall authorize the licensee to permit the consumption of lawfully
312 acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and
313 guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages
314 shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted
315 to use the premises. Such premises shall be a volunteer fire or ~~rescue squad~~ volunteer emergency
316 medical services agency station or both, regularly occupied as such and recognized by the governing
317 body of the county, city or town in which it is located. Under conditions as specified by Board
318 regulation, such premises may be other than a volunteer fire or ~~rescue squad~~ volunteer emergency

319 medical services agency station, provided such other premises are occupied and under the control of the
320 volunteer fire department or ~~rescue squad~~ volunteer emergency medical services agency while the
321 privileges of its license are being exercised.

322 4. Bed and breakfast licenses, which shall authorize the licensee to serve alcoholic beverages in
323 dining areas, private guest rooms and other designated areas to persons to whom overnight lodging is
324 being provided, with or without meals, for on-premises consumption only in such rooms and areas, and
325 without regard to the amount of gross receipts from the sale of food prepared and consumed on the
326 premises.

327 5. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic
328 beverages of the type specified in the license in designated areas at events held by the licensee. A tasting
329 license shall be issued for the purpose of featuring and educating the consuming public about the
330 alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event.
331 No tasting license shall be required for conduct authorized by § 4.1-201.1.

332 6. Museum licenses, which may be issued to nonprofit museums exempt from taxation under §
333 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption
334 of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and
335 guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide
336 member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by
337 the licensee. The privileges of this license shall be limited to the premises of the museum, regularly
338 occupied and utilized as such.

339 7. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt
340 and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully
341 acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event.
342 However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges
343 of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for
344 equestrian, hunt and steeplechase events and (ii) exercised on no more than four calendar days per year.

345 8. Day spa licenses, which shall authorize the licensee to (i) permit the consumption of lawfully
346 acquired wine or beer on the premises of the licensee by any bona fide customer of the day spa and (ii)
347 serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee
348 shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such
349 customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or
350 consumed. The privileges of this license shall be limited to the premises of the day spa regularly
351 occupied and utilized as such.

352 9. Motor car sporting event facility licenses, which shall authorize the licensee to permit the
353 consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof
354 during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly
355 or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the
356 licensee's premises designated by the Board that are regularly occupied and utilized for motor car
357 sporting events.

358 10. Meal-assembly kitchen license, which shall authorize the licensee to serve wine or beer on
359 the premises of the licensee to any such bona fide customer attending either a private gathering or a
360 special event; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-
361 ounce glasses of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer
362 for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of
363 the meal-assembly kitchen regularly occupied and utilized as such.

364 11. Canal boat operator license, which shall authorize the licensee to permit the consumption of
365 lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide customer
366 attending either a private gathering or a special event; however, the licensee shall not sell or otherwise
367 charge a fee to such customer for the alcoholic beverages so consumed. The privileges of this license
368 shall be limited to the premises of the licensee, including the canal, the canal boats while in operation,
369 and any pathways adjacent thereto. Upon authorization of the licensee, any person may keep and
370 consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations
371 covered by the license.

372 12. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize
373 the licensee participating in a community art walk that is open to the public to serve lawfully acquired
374 wine or beer on the premises of the licensee to adult patrons thereof during such events. However,
375 alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee,
376 and the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer
377 to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts
378 venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

379 **§ 8.01-66.2. Lien against person whose negligence causes injury.**

380 Whenever any person sustains personal injuries caused by the alleged negligence of another and
381 receives treatment in any hospital, public or private, or nursing home, or receives medical attention or
382 treatment from any physician, or receives nursing service or care from any registered nurse, or receives
383 physical therapy treatment from any registered physical therapist in this Commonwealth, or receives
384 medicine from a pharmacy, or receives any ~~ambulance service~~ emergency medical services and
385 transportation provided by an emergency medical services vehicle, such hospital, nursing home,
386 physician, nurse, physical therapist, pharmacy or ~~ambulance service~~ emergency medical services and
387 transportation provided by an emergency medical services vehicle shall each have a lien for the amount
388 of a just and reasonable charge for the service rendered, but not exceeding \$2,500 in the case of a
389 hospital or nursing home, \$750 for each physician, nurse, physical therapist, or pharmacy, and \$200 for
390 each ~~ambulance service~~ emergency medical services agency providing emergency medical services or
391 emergency medical services vehicle transportation on the claim of such injured person or of his personal
392 representative against the person, firm or corporation whose negligence is alleged to have caused such
393 injuries.

394 **§ 8.01-66.5. Written notice required.**

395 A. No lien provided for in § 8.01-66.2, 8.01-66.9, or 19.2-368.15 shall be created or become
396 effective in favor of the Commonwealth, an institution thereof, or a hospital, nursing home, physician,
397 nurse, or physical therapist, or ~~ambulance service~~ emergency medical services and transportation
398 provided by an emergency medical services vehicle, unless and until a written notice of lien setting forth

399 the name of the Commonwealth, or the institution, hospital, nursing home, physician, nurse, physical
400 therapist, or ~~ambulance service~~ emergency medical services agency that provided emergency medical
401 services or emergency medical services vehicle transportation and the name of the injured person, has
402 been served upon or given to the person, firm, or corporation whose negligence is alleged to have caused
403 such injuries, or to the attorney for the injured party, or to the injured party. Such written notice of lien
404 shall not be required if the attorney for the injured party knew that medical services were either provided
405 or paid for by the Commonwealth.

406 B. In any action for personal injuries or wrongful death against a nursing home or its agents, if
407 the Department of Medical Assistance Services has paid for any health care services provided to the
408 injured party or decedent relating to the action, the injured party or personal representative shall, within
409 60 days of filing a lawsuit or 21 days of determining that the Department of Medical Assistance Services
410 has paid for such health care services, whichever is later, give written notice to the Department of
411 Medical Assistance Services that the lawsuit has been filed. The Department of Medical Assistance
412 Services shall provide a written response, stating the amount of the lien as of the date of their response,
413 within 60 days of receiving a request for that information from the injured party or personal
414 representative.

415 **§ 8.01-66.7. Hearing and disposal of claim of unreasonableness.**

416 If the injured person questions the reasonableness of the charges made by a hospital, nurse,
417 physician, or ~~ambulance service~~ emergency medical services agency that provided emergency medical
418 services or emergency medical services vehicle transportation claiming a lien pursuant to § 8.01-66.2,
419 the injured person or the hospital, physician, nurse, or ~~ambulance service~~ emergency medical services
420 agency that provided emergency medical services or emergency medical services vehicle transportation
421 may file, in the court that would have jurisdiction of such claim if such claim were asserted against the
422 injured person by such hospital, physician, nurse, or ~~ambulance service~~ emergency medical services
423 agency that provided emergency medical services or emergency medical services vehicle transportation,
424 a petition setting forth the facts. The court shall hear and dispose of the matter in a summary way after
425 five days' notice to the other party in interest.

426 **§ 8.01-66.8. Petition to enforce lien.**

427 If suit is instituted by an injured person or his personal representative against the person, firm, or
428 corporation allegedly causing the person's injuries, a hospital, nursing home, physician, nurse, or
429 ~~ambulance service emergency medical services agency that provided emergency medical services or~~
430 ~~emergency medical services vehicle transportation~~, in lieu of proceeding according to §§ 8.01-66.5 to
431 8.01-66.7, may file in the court wherein such suit is pending a petition to enforce the lien provided for in
432 § 8.01-66.2 or § 8.01-66.9. Such petition shall be heard and disposed of in a summary way.

433 **§ 8.01-225. Persons rendering emergency care, obstetrical services exempt from liability.**

434 A. Any person who:

435 1. In good faith, renders emergency care or assistance, without compensation, to any ill or
436 injured person (i) at the scene of an accident, fire, or any life-threatening emergency; (ii) at a location for
437 screening or stabilization of an emergency medical condition arising from an accident, fire, or any life-
438 threatening emergency; or (iii) en route to any hospital, medical clinic, or doctor's office, shall not be
439 liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance.

440 2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a
441 female in active labor who has not previously been cared for in connection with the pregnancy by such
442 person or by another professionally associated with such person and whose medical records are not
443 reasonably available to such person shall not be liable for any civil damages for acts or omissions
444 resulting from the rendering of such emergency care or assistance. The immunity herein granted shall
445 apply only to the emergency medical care provided.

446 3. In good faith and without compensation, including any emergency medical services ~~technician~~
447 ~~certified by the Board of Health~~provider who holds a valid certificate issued by the Commissioner of
448 Health, administers epinephrine in an emergency to an individual shall not be liable for any civil
449 damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if
450 such person has reason to believe that the individual receiving the injection is suffering or is about to
451 suffer a life-threatening anaphylactic reaction.

452 4. Provides assistance upon request of any police agency, fire department, ~~rescue or emergency~~
453 ~~squad~~ emergency medical services agency, or governmental agency in the event of an accident or other
454 emergency involving the use, handling, transportation, transmission, or storage of liquefied petroleum
455 gas, liquefied natural gas, hazardous material, or hazardous waste as defined in § 10.1-1400 or
456 regulations of the Virginia Waste Management Board shall not be liable for any civil damages resulting
457 from any act of commission or omission on his part in the course of his rendering such assistance in
458 good faith.

459 5. Is an emergency medical ~~care attendant or technician~~ services provider possessing a valid
460 certificate issued by authority of the State Board of Health who in good faith renders emergency care or
461 assistance, whether in person or by telephone or other means of communication, without compensation,
462 to any injured or ill person, whether at the scene of an accident, fire, or any other place, or while
463 transporting such injured or ill person to, from, or between any hospital, medical facility, medical clinic,
464 doctor's office, or other similar or related medical facility, shall not be liable for any civil damages for
465 acts or omissions resulting from the rendering of such emergency care, treatment, or assistance,
466 including but in no way limited to acts or omissions which involve violations of State Department of
467 Health regulations or any other state regulations in the rendering of such emergency care or assistance.

468 6. In good faith and without compensation, renders or administers emergency cardiopulmonary
469 resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external
470 defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures which
471 have been approved by the State Board of Health to any sick or injured person, whether at the scene of a
472 fire, an accident, or any other place, or while transporting such person to or from any hospital, clinic,
473 doctor's office, or other medical facility, shall be deemed qualified to administer such emergency
474 treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of
475 such emergency resuscitative treatments or procedures.

476 7. Operates an AED at the scene of an emergency, trains individuals to be operators of AEDs, or
477 orders AEDs, shall be immune from civil liability for any personal injury that results from any act or
478 omission in the use of an AED in an emergency where the person performing the defibrillation acts as an

479 ordinary, reasonably prudent person would have acted under the same or similar circumstances, unless
480 such personal injury results from gross negligence or willful or wanton misconduct of the person
481 rendering such emergency care.

482 8. Maintains an AED located on real property owned or controlled by such person shall be
483 immune from civil liability for any personal injury that results from any act or omission in the use in an
484 emergency of an AED located on such property unless such personal injury results from gross
485 negligence or willful or wanton misconduct of the person who maintains the AED or his agent or
486 employee.

487 9. Is a volunteer in good standing and certified to render emergency care by the National Ski
488 Patrol System, Inc., who, in good faith and without compensation, renders emergency care or assistance
489 to any injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue, or any
490 other place or while transporting such injured or ill person to a place accessible for transfer to any
491 available emergency medical system unit, or any resort owner voluntarily providing a ski patroller
492 employed by him to engage in rescue or recovery work at a resort not owned or operated by him, shall
493 not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency
494 care, treatment, or assistance, including but not limited to acts or omissions which involve violations of
495 any state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such
496 emergency care or assistance, unless such act or omission was the result of gross negligence or willful
497 misconduct.

498 10. Is an employee of a school board, authorized by a prescriber and trained in the administration
499 of insulin and glucagon, who, upon the written request of the parents as defined in § 22.1-1, assists with
500 the administration of insulin or administers glucagon to a student diagnosed as having diabetes who
501 requires insulin injections during the school day or for whom glucagon has been prescribed for the
502 emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence
503 in acts or omissions resulting from the rendering of such treatment if the insulin is administered
504 according to the child's medication schedule or such employee has reason to believe that the individual
505 receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any

506 employee of a school board is covered by the immunity granted herein, the school board employing him
507 shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the
508 rendering of such insulin or glucagon treatment.

509 11. Is a school nurse, an employee of a school board, an employee of a local governing body, or
510 an employee of a local health department who is authorized by a prescriber and trained in the
511 administration of epinephrine and who provides, administers, or assists in the administration of
512 epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber
513 of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions
514 resulting from the rendering of such treatment.

515 12. Is an employee of a provider licensed by the Department of Behavioral Health and
516 Developmental Services, or provides services pursuant to a contract with a provider licensed by the
517 Department of Behavioral Health and Developmental Services, who has been trained in the
518 administration of insulin and glucagon and who administers or assists with the administration of insulin
519 or administers glucagon to a person diagnosed as having diabetes who requires insulin injections or for
520 whom glucagon has been prescribed for the emergency treatment of hypoglycemia in accordance with §
521 54.1-3408 shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting
522 from the rendering of such treatment if the insulin is administered in accordance with the prescriber's
523 instructions or such person has reason to believe that the individual receiving the glucagon is suffering
524 or is about to suffer life-threatening hypoglycemia. Whenever any employee of a provider licensed by
525 the Department of Behavioral Health and Developmental Services or a person who provides services
526 pursuant to a contract with a provider licensed by the Department of Behavioral Health and
527 Developmental Services is covered by the immunity granted herein, the provider shall not be liable for
528 any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such
529 insulin or glucagon treatment.

530 13. Is an employee of a provider licensed by the Department of Behavioral Health and
531 Developmental Services, or provides services pursuant to a contract with a provider licensed by the
532 Department of Behavioral Health and Developmental Services, who has been trained in the

533 administration of epinephrine and who administers or assists in the administration of epinephrine to a
534 person believed in good faith to be having an anaphylactic reaction in accordance with the prescriber's
535 instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions
536 resulting from the rendering of such treatment.

537 14. In good faith and without compensation, administers naloxone in an emergency to an
538 individual who is experiencing or is about to experience a life-threatening opiate overdose shall not be
539 liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of
540 such treatment if such administering person is a participant in a pilot program conducted by the
541 Department of Behavioral Health and Developmental Services on the administration of naloxone for the
542 purpose of counteracting the effects of opiate overdose.

543 B. Any licensed physician serving without compensation as the operational medical director for a
544 ~~licensed an~~ emergency medical services agency ~~in the Commonwealth that holds a valid license as an~~
545 ~~emergency medical services agency issued by the Commissioner of Health~~ shall not be liable for any
546 civil damages for any act or omission resulting from the rendering of emergency medical services in
547 good faith by the personnel of such licensed agency unless such act or omission was the result of such
548 physician's gross negligence or willful misconduct.

549 Any person serving without compensation as a dispatcher for any licensed public or nonprofit
550 emergency medical services agency in the Commonwealth shall not be liable for any civil damages for
551 any act or omission resulting from the rendering of emergency services in good faith by the personnel of
552 such licensed agency unless such act or omission was the result of such dispatcher's gross negligence or
553 willful misconduct.

554 Any individual, certified by the State Office of Emergency Medical Services as an emergency
555 medical services instructor and pursuant to a written agreement with such office, who, in good faith and
556 in the performance of his duties, provides instruction to persons for certification or recertification as a
557 certified basic life support or advanced life support emergency medical services ~~technician~~ provider
558 shall not be liable for any civil damages for acts or omissions on his part directly relating to his activities

559 on behalf of such office unless such act or omission was the result of such emergency medical services
560 instructor's gross negligence or willful misconduct.

561 Any licensed physician serving without compensation as a medical advisor to an E-911 system in
562 the Commonwealth shall not be liable for any civil damages for any act or omission resulting from
563 rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911
564 service, as defined in § 58.1-1730, when answering emergency calls unless such act or omission was the
565 result of such physician's gross negligence or willful misconduct.

566 Any licensed physician who directs the provision of emergency medical services, as authorized
567 by the State Board of Health, through a communications device shall not be liable for any civil damages
568 for any act or omission resulting from the rendering of such emergency medical services unless such act
569 or omission was the result of such physician's gross negligence or willful misconduct.

570 Any licensed physician serving without compensation as a supervisor of an AED in the
571 Commonwealth shall not be liable for any civil damages for any act or omission resulting from
572 rendering medical advice in good faith to the owner of the AED relating to personnel training, local
573 emergency medical services coordination, protocol approval, AED deployment strategies, and
574 equipment maintenance plans and records unless such act or omission was the result of such physician's
575 gross negligence or willful misconduct.

576 C. Any communications services provider, as defined in § 58.1-647, including mobile service,
577 and any provider of Voice-over-Internet Protocol service, in the Commonwealth shall not be liable for
578 any civil damages for any act or omission resulting from rendering such service with or without charge
579 related to emergency calls unless such act or omission was the result of such service provider's gross
580 negligence or willful misconduct.

581 Any volunteer engaging in rescue or recovery work at a mine, or any mine operator voluntarily
582 providing personnel to engage in rescue or recovery work at a mine not owned or operated by such
583 operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such
584 rescue or recovery work in good faith unless such act or omission was the result of gross negligence or
585 willful misconduct. For purposes of this subsection, ~~the term~~ "Voice-over-Internet Protocol service" or

586 "VoIP service" means any Internet protocol-enabled services utilizing a broadband connection, actually
587 originating or terminating in Internet Protocol from either or both ends of a channel of communication
588 offering real time, multidirectional voice functionality, including, but not limited to, services similar to
589 traditional telephone service.

590 D. Nothing contained in this section shall be construed to provide immunity from liability arising
591 out of the operation of a motor vehicle.

592 E. [Expired.]

593 F. For the purposes of this section, ~~the term~~ "compensation" shall not be construed to include (i)
594 the salaries of police, fire, or other public officials or personnel who render such emergency assistance;
595 (ii) the salaries or wages of employees of a coal producer engaging in emergency medical ~~technician~~
596 service services or first aid ~~service services~~ pursuant to the provisions of § 45.1-161.38, 45.1-161.101,
597 45.1-161.199, or 45.1-161.263; (iii) complimentary lift tickets, food, lodging, or other gifts provided as
598 a gratuity to volunteer members of the National Ski Patrol System, Inc., by any resort, group, or agency;
599 (iv) the salary of any person who (a) owns an AED for the use at the scene of an emergency, (b) trains
600 individuals, in courses approved by the Board of Health, to operate AEDs at the scene of emergencies,
601 (c) orders AEDs for use at the scene of emergencies, or (d) operates an AED at the scene of an
602 emergency; or (v) expenses reimbursed to any person providing care or assistance pursuant to this
603 section.

604 For the purposes of this section, ~~an~~ "emergency medical ~~care attendant or technician services~~
605 provider" shall ~~be deemed to~~ include a person licensed or certified as such or its equivalent by any other
606 state when he is performing services ~~which that~~ he is licensed or certified to perform by such other state
607 in caring for a patient in transit in the Commonwealth, which care originated in such other state.

608 Further, the public shall be urged to receive training on how to use CPR and an AED in order to
609 acquire the skills and confidence to respond to emergencies using both CPR and an AED.

610 **§ 8.01-226.5:2. Immunity of hospital and emergency medical services agency personnel for**
611 **the acceptance of certain infants.**

612 Any personnel of a hospital ~~or rescue squad or emergency medical services agency~~ receiving a
613 child under the circumstances described in ~~subsection B~~ the second paragraph of § 18.2-371, subdivision
614 B 2 of § 18.2-371.1, or subsection B of § 40.1-103 shall be immune from civil liability or criminal
615 prosecution for injury or other damage to the child unless such injury or other damage is the result of
616 gross negligence or willful misconduct by such personnel.

617 **§ 8.01-420.2. Limitation on use of recorded conversations as evidence.**

618 No mechanical recording, electronic or otherwise, of a telephone conversation shall be admitted
619 into evidence in any civil proceeding unless (i) all parties to the conversation were aware the
620 conversation was being recorded or (ii) the portion of the recording to be admitted contains admissions
621 that, if true, would constitute criminal conduct which is the basis for the civil action, and one of the
622 parties was aware of the recording and the proceeding is not one for divorce, separate maintenance or
623 annulment of a marriage. The parties' knowledge of the recording pursuant to clause (i) shall be
624 demonstrated by a declaration at the beginning of the recorded portion of the conversation to be
625 admitted into evidence that the conversation is being recorded. This section shall not apply to emergency
626 reporting systems operated by police and fire departments and by ~~rescue squads~~ emergency medical
627 services agencies, nor to any communications common carrier utilizing service observing or random
628 monitoring pursuant to § 19.2-62.

629 **§ 8.01-581.13. Civil immunity for certain health professionals and health profession**
630 **students serving as members of certain entities.**

631 A. For the purposes of this subsection, "health professional" means any clinical psychologist,
632 applied psychologist, school psychologist, dentist, certified emergency medical services ~~personnel~~
633 provider, licensed professional counselor, licensed substance abuse treatment practitioner, certified
634 substance abuse counselor, certified substance abuse counseling assistant, licensed marriage and family
635 therapist, nurse, optometrist, pharmacist, physician, chiropractor, podiatrist, or veterinarian who is
636 actively engaged in the practice of his profession or any member of the Health Practitioners' Monitoring
637 Program Committee pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

638 Unless such act, decision, or omission resulted from such health professional's bad faith or
639 malicious intent, any health professional, as defined in this subsection, shall be immune from civil
640 liability for any act, decision or omission resulting from his duties as a member or agent of any entity
641 which functions primarily (i) to investigate any complaint that a physical or mental impairment,
642 including alcoholism or drug addiction, has impaired the ability of any such health professional to
643 practice his profession and (ii) to encourage, recommend and arrange for a course of treatment or
644 intervention, if deemed appropriate, or (iii) to review or monitor the duration of patient stays in health
645 facilities, delivery of professional services, or the quality of care delivered in the statewide emergency
646 ~~medical-care~~ services system for the purpose of promoting the most efficient use of available health
647 facilities and services, the adequacy and quality of professional services, or the reasonableness or
648 appropriateness of charges made by or on behalf of such health professionals. Such entity shall have
649 been established pursuant to a federal or state law, or by one or more public or licensed private hospitals,
650 or a relevant health professional society, academy or association affiliated with the American Medical
651 Association, the American Dental Association, the American Pharmaceutical Association, the American
652 Psychological Association, the American Podiatric Medical Association, the American Society of
653 Hospitals and Pharmacies, the American Veterinary Medical Association, the American Association for
654 Counseling and Development, the American Optometric Association, International Chiropractic
655 Association, the American Chiropractic Association, the NAADAC: the Association for Addiction
656 Professionals, the American Association for Marriage and Family Therapy or a governmental agency.

657 B. For the purposes of this subsection, "health profession student" means a student in good
658 standing who is enrolled in an accredited school, program, or curriculum in clinical psychology,
659 counseling, dentistry, medicine, nursing, pharmacy, chiropractic, marriage and family therapy, substance
660 abuse treatment, or veterinary medicine and has received training relating to substance abuse.

661 Unless such act, decision, or omission resulted from such health profession student's bad faith or
662 malicious intent, any health profession student, as defined in this subsection, shall be immune from civil
663 liability for any act, decision, or omission resulting from his duties as a member of an entity established
664 by the institution of higher education in which he is enrolled or a professional student's organization

665 affiliated with such institution which functions primarily (i) to investigate any complaint of a physical or
666 mental impairment, including alcoholism or drug addiction, of any health profession student and (ii) to
667 encourage, recommend, and arrange for a course of treatment, if deemed appropriate.

668 C. The immunity provided hereunder shall not extend to any person with respect to actions,
669 decisions or omissions, liability for which is limited under the provisions of the federal Social Security
670 Act or amendments thereto.

671 **§ 8.01-581.19. Civil immunity for physicians, psychologists, podiatrists, optometrists,**
672 **veterinarians, nursing home administrators, and certified emergency medical services providers**
673 **while members of certain committees.**

674 A. Any physician, chiropractor, psychologist, podiatrist, veterinarian, or optometrist licensed to
675 practice in ~~this~~ the Commonwealth shall be immune from civil liability for any communication, finding,
676 opinion, or conclusion made in performance of his duties while serving as a member of any committee,
677 board, group, commission, or other entity that is responsible for resolving questions concerning the
678 admission of any physician, psychologist, podiatrist, veterinarian, or optometrist to, or the taking of
679 disciplinary action against any member of, any medical society, academy, or association affiliated with
680 the American Medical Association, the Virginia Academy of Clinical Psychologists, the American
681 Psychological Association, the Virginia Applied Psychology Academy, the Virginia Academy of School
682 Psychologists, the American Podiatric Medical Association, the American Veterinary Medical
683 Association, the International Chiropractic Association, the American Chiropractic Association, the
684 Virginia Chiropractic Association, or the American Optometric Association; provided that such
685 communication, finding, opinion, or conclusion is not made in bad faith or with malicious intent.

686 B. Any nursing home administrator licensed under the laws of ~~this~~ the Commonwealth shall be
687 immune from civil liability for any communication, finding, opinion, decision, or conclusion made in
688 performance of his duties while serving as a member of any committee, board, group, commission, or
689 other entity that is responsible for resolving questions concerning the admission of any health care
690 facility to, or the taking of disciplinary action against any member of, the Virginia Health Care

691 Association, provided that such communication, finding, opinion, decision, or conclusion is not made in
692 bad faith or with malicious intent.

693 C. Any emergency medical services ~~personnel provider certified under the laws of the~~
694 ~~Commonwealth~~ who holds a valid certificate issued by the Commissioner of Health shall be immune
695 from civil liability for any communication, finding, opinion, decision, or conclusion made in
696 performance of his duties while serving as a member of any regional council, committee, board, group,
697 commission, or other entity that is responsible for resolving questions concerning the quality of care,
698 including triage, interfacility transfer, and other components of emergency medical services care, unless
699 such communication, finding, opinion, decision, or conclusion is made in bad faith or with malicious
700 intent.

701 **§ 9.1-300. Definitions.**

702 As used in this chapter, unless the context requires a different meaning:

703 "Emergency medical ~~technician services personnel~~" means any person who holds a valid
704 certificate issued by the Commissioner and who is employed solely within the fire department,
705 emergency medical services agency, or public safety department of an employing agency as a full-time
706 emergency medical ~~technician services personnel~~ whose primary responsibility is the provision of
707 emergency care to the sick and injured, using either basic or advanced techniques. Emergency medical
708 ~~technicians services personnel~~ may also provide fire protection services and assist in the enforcement of
709 the fire prevention code.

710 "Employing agency" means any municipality of the Commonwealth or any political subdivision
711 thereof, including authorities and special districts, ~~which that~~ employs firefighters and emergency
712 medical ~~technicians services personnel~~.

713 "Firefighter" means any person who is employed solely within the fire department or public
714 safety department of an employing agency as a full-time firefighter whose primary responsibility is the
715 prevention and extinguishment of fires, the protection of life and property, and the enforcement of local
716 and state fire prevention codes and laws pertaining to the prevention and control of fires.

717 "Interrogation" means any questioning of a formal nature as used in Chapter 4 (§ 9.1-500 et seq.)
718 ~~of this title~~ that could lead to dismissal, demotion, or suspension for punitive reasons of a firefighter or
719 emergency medical ~~technician services personnel~~.

720 **§ 9.1-301. Conduct of interrogation.**

721 The provisions of this section shall apply whenever a firefighter or emergency medical
722 ~~technician is services personnel are~~ subjected to an interrogation ~~which that~~ could lead to dismissal,
723 demotion, or suspension for punitive reasons:

724 1. The interrogation shall take place at the facility where the investigating officer is assigned, or
725 at the facility ~~which that~~ has jurisdiction over the place where the incident under investigation allegedly
726 occurred, as designated by the investigating officer.

727 2. No firefighter or emergency medical ~~technician services personnel~~ shall be subjected to
728 interrogation without first receiving written notice of sufficient detail of the investigation in order to
729 reasonably apprise the firefighter or emergency medical ~~technician services personnel~~ of the nature of
730 the investigation.

731 3. All interrogations shall be conducted at a reasonable time of day, preferably when the
732 firefighter or ~~individual who meets the definition of "emergency medical technician services personnel"~~
733 ~~in § 32.1-111.1~~ is on duty, unless the matters being investigated are of such a nature that immediate
734 action is required.

735 4. The firefighter or emergency medical ~~technician services personnel~~ under investigation shall
736 be informed of the name, rank, and unit or command of the officer in charge of the investigation, the
737 interrogators, and all persons present during any interrogation.

738 5. Interrogation sessions shall be of reasonable duration, and the firefighter or emergency
739 medical ~~technician services personnel~~ shall be permitted reasonable periods for rest and personal
740 necessities. The firefighter or emergency medical ~~technician services personnel~~ may have an observer of
741 his choice present during the interrogation, as long as the interview is not unduly delayed. This observer
742 may not participate or represent the employee, may not be involved in the investigation, and must be a
743 current member of the Department, for purposes of confidentiality.

744 | 6. The firefighter or emergency medical ~~technician services personnel~~ being interrogated shall
745 | not be subjected to offensive language or offered any incentive as an inducement to answer any
746 | questions.

747 | 7. If a recording of any interrogation is made, and if a transcript of the interrogation is made, the
748 | firefighter or emergency medical ~~technician services personnel~~ under investigation shall be entitled to a
749 | copy without charge. Such record may be electronically recorded.

750 | 8. No firefighter or emergency medical ~~technician services personnel~~ shall be discharged,
751 | disciplined, demoted, denied promotion or seniority, or otherwise disciplined or discriminated against in
752 | regard to his employment, or be threatened with any such treatment as retaliation for his exercise of any
753 | of the rights granted or protected by this chapter.

754 | Nothing contained in this section shall prohibit a local governing body from granting its
755 | employees rights greater than those contained herein.

756 | **§ 9.1-302. Breach of procedures.**

757 | Any breach of the procedures required by this chapter shall not exclude any evidence from being
758 | presented in any case against a firefighter or individual who meets the definition of "emergency medical
759 | technician services personnel" in § 32.1-111.1 and shall not cause any charge to be dismissed unless the
760 | firefighter or emergency medical ~~technician services personnel~~ demonstrates that the breach prejudiced
761 | his case.

762 | **§ 9.1-303. Informal counseling not prohibited.**

763 | Nothing in this chapter shall be construed to prohibit the informal counseling of a firefighter or
764 | emergency medical ~~technician services personnel~~ by a supervisor in reference to a minor infraction of
765 | policy or procedure ~~which that~~ does not result in disciplinary action being taken against the firefighter or
766 | emergency medical ~~technician services personnel~~.

767 | **§ 9.1-400. Title of chapter; definitions.**

768 | A. This chapter shall be known and designated as the Line of Duty Act.

769 | B. As used in this chapter, unless the context requires a different meaning:

770 "Beneficiary" means the spouse of a deceased person and such persons as are entitled to take
771 under the will of a deceased person if testate, or as his heirs at law if intestate.

772 "Deceased person" means any individual whose death occurs on or after April 8, 1972, as the
773 direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1,
774 27-40.2, 51.1-813, and 65.2-402, as a law-enforcement officer of the Commonwealth or any of its
775 political subdivisions; a correctional officer as defined in § 53.1-1; a jail officer; a regional jail or jail
776 farm superintendent; a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of
777 Richmond; a police chaplain; a member of any fire company or department or ~~rescue squad~~ emergency
778 medical services agency that has been recognized by an ordinance or a resolution of the governing body
779 of any county, city, or town of the Commonwealth as an integral part of the official safety program of
780 such county, city, or town; a member of any fire company providing fire protection services for facilities
781 of the Virginia National Guard; a member of the Virginia National Guard or the Virginia Defense Force
782 while such member is serving in the Virginia National Guard or the Virginia Defense Force on official
783 state duty or federal duty under Title 32 of the United States Code; any special agent of the Virginia
784 Alcoholic Beverage Control Board; any regular or special conservation police officer who receives
785 compensation from a county, city, or town or from the Commonwealth appointed pursuant to the
786 provisions of § 29.1-200; any commissioned forest warden appointed under the provisions of § 10.1-
787 1135; any member or employee of the Virginia Marine Resources Commission granted the power of
788 arrest pursuant to § 28.2-900; any Department of Emergency Management hazardous materials officer;
789 any other employee of the Department of Emergency Management who is performing official duties of
790 the agency, when those duties are related to a major disaster or emergency, as defined in § 44-146.16,
791 that has been or is later declared to exist under the authority of the Governor in accordance with § 44-
792 146.28; any employee of any county, city, or town performing official emergency management or
793 emergency services duties in cooperation with the Department of Emergency Management, when those
794 duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later
795 declared to exist under the authority of the Governor in accordance with § 44-146.28 or a local
796 emergency, as defined in § 44-146.16, declared by a local governing body; any nonfirefighter regional

797 hazardous materials emergency response team member; any conservation officer of the Department of
798 Conservation and Recreation commissioned pursuant to § 10.1-115; or any full-time sworn member of
799 the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217.

800 "Disabled person" means any individual who, as the direct or proximate result of the
801 performance of his duty in any position listed in the definition of deceased person in this section, has
802 become mentally or physically incapacitated so as to prevent the further performance of duty where such
803 incapacity is likely to be permanent. The term shall also include any state employee included in the
804 definition of a deceased person who was disabled on or after January 1, 1966.

805 "Line of duty" means any action the deceased or disabled person was obligated or authorized to
806 perform by rule, regulation, condition of employment or service, or law.

807 **§ 9.1-700. Definitions.**

808 As used in this chapter, unless the context requires a different meaning:

809 "Employer" means any political subdivision of the Commonwealth, including any county, city,
810 town, authority, or special district that employs fire protection employees except any locality with five
811 or fewer paid firefighters that is exempt from overtime rules by 29 U.S.C. § 207 (k).

812 "Fire protection employee" means any person, other than an employee who is exempt from the
813 overtime provisions of the Fair Labor Standards Act, who is employed by an employer as a paid
814 firefighter, ~~paramedic, emergency medical technician services provider, rescue worker, ambulance~~
815 ~~personnel,~~ or hazardous materials worker who is (i) trained in fire suppression and has the legal
816 authority and responsibility to engage in fire suppression; and is employed by a fire department of an
817 employer; and (ii) engaged in the prevention, control, and extinguishment of fires or response to
818 emergency situations where life, property, or the environment is at risk.

819 "Law-enforcement employee" means any person who is responsible for the prevention and
820 detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth,
821 other than an employee who is exempt from the overtime provisions of the Fair Labor Standards Act,
822 and who is a full-time employee of either (i) a police department or (ii) a sheriff's office that is part of or
823 administered by the Commonwealth or any political subdivision thereof.

824 "Regularly scheduled work hours" means those hours that are recurring and fixed within the
825 work period and for which an employee receives a salary or hourly compensation. "Regularly scheduled
826 work hours" does not include on-call, extra duty assignments or any other nonrecurring and nonfixed
827 hours.

828 **§ 9.1-801. Public safety officer defined.**

829 As used in this chapter, the term "public safety officer" includes a law-enforcement officer of
830 ~~this the~~ Commonwealth or any of its political subdivisions; a correctional officer as defined in § 53.1-1;
831 a correctional officer employed at a juvenile correctional facility as the term is defined in § 66-25.3; a
832 jail officer; a regional jail or jail farm superintendent; a member of any fire company or department or
833 ~~rescue-squad nonprofit or volunteer emergency medical services agency~~ that has been recognized by an
834 ordinance or resolution of the governing body of any county, city or town of ~~this the~~ Commonwealth as
835 an integral part of the official safety program of such county, city, or town; an arson investigator; a
836 member of the Virginia National Guard or the Virginia Defense Force while such a member is serving in
837 the Virginia National Guard or the Virginia Defense Force on official state duty or federal duty under
838 Title 32 of the United States Code; any special agent of the Virginia Alcoholic Beverage Control Board;
839 any police agent appointed under the provisions of § 56-353; any regular or special conservation police
840 officer who receives compensation from a county, city, or town or from the Commonwealth appointed
841 pursuant to § 29.1-200; any commissioned forest warden appointed pursuant to § 10.1-1135; any
842 member or employee of the Virginia Marine Resources Commission granted the power to arrest
843 pursuant to § 28.2-900; any Department of Emergency Management hazardous materials officer; any
844 nonfirefighter regional hazardous materials emergency response team member; any investigator who is a
845 full-time sworn member of the security division of the Virginia Lottery; any full-time sworn member of
846 the enforcement division of the Department of Motor Vehicles meeting the Department of Criminal
847 Justice Services qualifications, when fulfilling duties pursuant to § 46.2-217; any campus police officer
848 appointed under the provisions of Chapter 17 (§ 23-232 et seq.) of Title 23; and any conservation officer
849 of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115.

850 **§ 10.1-1141. Liability and recovery of cost of fighting forest fires by localities and the State**
851 **Forester.**

852 A. The State Forester in the name of the Commonwealth shall collect the costs of ~~fire fighting~~
853 firefighting performed under the direction of a forest warden in accordance with § 10.1-1139 from any
854 person who, negligently or intentionally without using reasonable care and precaution starts a fire or
855 who negligently or intentionally fails to prevent its escape, which fire burns on any forestland,
856 brushland, grassland or wasteland. Such person shall be liable for the full amount of all expenses
857 incurred by the Commonwealth, for fighting or extinguishing such fire. All expenses collected shall be
858 credited to the Forestry Operations Fund. It shall be the duty of the Commonwealth's attorneys to
859 institute and prosecute proper proceedings under this section, at the instance of the State Forester.

860 B. Any locality may collect the costs of ~~fire fighting~~ firefighting from any person who
861 intentionally starts a fire and who fails to attempt to prevent its escape, which fire burns on any
862 forestland, brushland, grassland or wasteland. Such person shall be liable for the full amount of all
863 expenses incurred by the locality and any volunteer fire company or ~~rescue squad~~ volunteer emergency
864 medical services agency to fight or extinguish the fire and the reasonable administrative costs expended
865 to collect such expenses. The locality shall remit any costs recovered on behalf of another entity to such
866 entity.

867 C. The State Forester or a locality may institute an action and recover from either one or both
868 parents of any minor, living with such parents or either of them, the cost of forest fire suppression
869 suffered by reason of the willful or malicious destruction of, or damage to, public or private property by
870 such minor. No more than \$750 may be recovered from such parents or either of them as a result of any
871 forest fire incident or occurrence on which such action is based.

872 **§ 15.2-622. Same; director as purchasing agent.**

873 The director of finance shall act as purchasing agent for the county, unless the board designates
874 another officer or employee for such purpose. The director of finance or the person designated as
875 purchasing agent shall make all purchases, subject to such exceptions as the board allows. He may
876 transfer supplies, materials and equipment between departments and offices; sell, exchange or otherwise

877 dispose of any surplus supplies, materials or equipment; and make such other sales, exchanges and
878 dispositions as the board authorizes. He may, with the approval of the board, establish suitable
879 specifications or standards for all goods, services, insurance and construction to be procured for the
880 county; inspect all deliveries to determine their compliance with such specifications and standards; and
881 sell supplies, materials and equipment to volunteer ~~rescue squads~~ emergency medical services agencies
882 at the same cost as the cost of such supplies, materials and equipment to the county. He shall have
883 charge of such storerooms and warehouses of the county as the board provides.

884 All purchases shall be made in accordance with Chapter 43 (§ 2.2-4300 et seq.) of Title 2.2 and
885 under such rules and regulations consistent with Chapter 43 of Title 2.2 as the board establishes. He
886 shall not furnish any goods, services, insurance or construction to any department or office except upon
887 receipt of a properly approved requisition and unless there is an unencumbered appropriation balance
888 sufficient to pay for them.

889 **§ 15.2-831. Same; director as purchasing agent.**

890 The director of finance shall act as purchasing agent for the county, unless the board designates
891 some other officer or employee for such purpose. The director of finance or the person designated as
892 purchasing agent shall make all purchases, subject to such exceptions as the board allows. He may
893 transfer supplies, materials or equipment between departments and offices; sell any surplus supplies,
894 materials or equipment; and make such other sales as the board authorizes. He may also, with the board's
895 approval, (i) establish suitable specifications or standards for all supplies, materials and equipment to be
896 purchased for the county; (ii) inspect all deliveries to determine their compliance with such
897 specifications and standards; and (iii) sell supplies, materials and equipment to volunteer ~~rescue squads~~
898 emergency medical services agencies and ~~fire fighting~~ firefighting companies at the same cost of such
899 supplies, materials and equipment to the county. He shall have charge of such storerooms and
900 warehouses of the county as the board provides.

901 All purchases shall be made in accordance with Chapter 43 (§ 2.2-4300 et seq.) of Title 2.2 and
902 under such rules and regulations consistent with Chapter 43 of Title 2.2 as the board establishes by
903 ordinance or resolution, which ordinance or resolution may, notwithstanding the provisions of § 15.2-

904 830, provide for the use of a combination purchase order-check, which check may be made valid for
905 such maximum amount as the board may fix, not to exceed \$250. Subject to such exceptions as the
906 board provides, before making any sale the director shall invite competitive bidding under such rules
907 and regulations as the board establishes by ordinance or resolution. He shall not furnish any supplies,
908 materials, equipment or contractual services to any department or office except upon receipt of a
909 properly approved requisition and unless there is an unencumbered appropriation balance sufficient to
910 pay for the supplies, materials, equipment or contractual services.

911 **§ 15.2-953. Donations to charitable institutions and associations, volunteer and nonprofit**
912 **organizations, chambers of commerce, etc.**

913 A. Any locality may make appropriations of public funds, of personal property or of any real
914 estate and donations to the Virginia Indigent Health Care Trust Fund and to any charitable institution or
915 association, located within their respective limits or outside their limits if such institution or association
916 provides services to residents of the locality; however, such institution or association shall not be
917 controlled in whole or in part by any church or sectarian society. The words "sectarian society" shall not
918 be construed to mean a nondenominational Young Men's Christian Association, a nondenominational
919 Young Women's Christian Association, Habitat for Humanity, or the Salvation Army. Nothing in this
920 section shall be construed to prohibit any county or city from making contracts with any sectarian
921 institution for the care of indigent, sick or injured persons.

922 B. Any locality may make gifts and donations of property, real or personal, or money; to (i) any
923 charitable institution or nonprofit or other organization, providing housing for persons 60 years of age or
924 older, or operating a hospital or nursing home; (ii) any association or other organization furnishing
925 voluntary ~~fire fighting~~ firefighting services; (iii) any nonprofit ~~lifesaving crew or lifesaving~~
926 ~~organization, or rescue squad~~ or volunteer emergency medical services agency, within or outside the
927 boundaries of the locality; (iv) any nonprofit recreational ~~associations~~ association or ~~organizations~~
928 organization; (v) any nonprofit organization providing recreational or daycare services to persons 65
929 years of age or older; or (vi) any nonprofit association or organization furnishing services to beautify
930 and maintain communities ~~and/or~~ to prevent neighborhood deterioration. Gifts or donations of

931 property, real or personal, or money by any locality to any nonprofit association, recreational
932 association, or organization described in provision (iv), (v), or (vi) may be made provided the nonprofit
933 association, recreational association, or organization is not controlled in whole or in part by any church
934 or sectarian society. Donations of property or money to any such charitable, nonprofit or other hospital
935 or nursing home, institution or organization or nonprofit recreational associations or organizations may
936 be made for construction purposes, for operating expenses, or both.

937 A locality may make like gifts and donations to chambers of commerce which are nonprofit and
938 nonsectarian.

939 A locality may make like gifts, donations and appropriations of money to industrial development
940 authorities for the purposes of promoting economic development.

941 A locality may make like gifts and donations to any and all public and private nonprofit
942 organizations and agencies engaged in commemorating historical events.

943 A locality may make like gifts and donations to any nonprofit organization that is exempt from
944 taxation under § 501(c)(3) of the Internal Revenue Code that is engaged in providing energy efficiency
945 services or promoting energy efficiency within or without the boundaries of the locality.

946 A locality may make like gifts and donations to any nonprofit organization that is exempt from
947 taxation under § 501(c)(3) of the Internal Revenue Code that is engaged in providing emergency relief to
948 residents, including providing the repair or replacement of private property damaged or destroyed by a
949 natural disaster.

950 A locality may make like gifts and donations to nonprofit foundations established to support the
951 locality's public parks, libraries, and law enforcement. For the purposes of this paragraph, "donations" to
952 any such foundation shall include the lawful provision of in-kind resources.

953 A locality may make monetary gifts, donations and appropriations of money to a state college or
954 university which provides services to such locality's residents.

955 Public library materials that are discarded from their collections may be given to nonprofit
956 organizations that support library functions, including, but not limited to, friends of the library, library
957 advisory boards, library foundations, library trusts and library boards of trustees.

958 C. Any locality may make gifts and donations of personal property and may deliver such gifts
959 and donations to another governmental entity in or outside of the Commonwealth within the United
960 States.

961 D. Any locality may by ordinance provide for payment to any volunteer ~~rescue squad~~ emergency
962 medical services agency that meets the required minimum standards for such volunteer ~~rescue squads~~
963 emergency medical services agency set forth in the ordinance; a sum for each rescue call the volunteer
964 ~~rescue squad~~ emergency medical services agency makes for an automobile accident in which a person
965 has been injured on any of the highways or streets in the locality. In addition, unless otherwise
966 prohibited by law, any locality may make appropriations of money to volunteer fire companies or ~~rescue~~
967 ~~squads~~ any volunteer emergency medical services agency in an amount sufficient to enroll any qualified
968 member of such volunteer fire company or ~~rescue squad~~ emergency medical services agency in any
969 program available within the locality intended to defray out-of-pocket expenses for emergency
970 ~~ambulance~~ transportation by an emergency medical services vehicle.

971 E. For the purposes of this section, "donations" shall include the lawful provision of in-kind
972 resources for any event sponsored by the donee.

973 F. Nothing in this section shall be construed to obligate any locality to appropriate funds to any
974 entity. Such charitable contribution shall be voluntary.

975 **§ 15.2-954.1. Volunteer firefighter or volunteer emergency medical services personnel**
976 **tuition reimbursement.**

977 Notwithstanding any other provision to the contrary, any locality may by ordinance establish and
978 administer a tuition reimbursement program for eligible volunteer firefighters or volunteer emergency
979 medical services personnel, or both, for the purposes of recruitment and retention.

980 **§ 15.2-955. Approval by local governing body for the establishment of volunteer emergency**
981 **medical services agencies and firefighting organizations.**

982 A. No volunteer ~~rescue squad~~, emergency medical ~~service organization or other organization~~
983 ~~providing similar type services~~, services agency or volunteer ~~fire fighting~~ firefighting organization shall

984 be established in any locality on or after July 1, 1984, without the prior approval by resolution of the
985 governing body.

986 B. Each locality shall seek to ensure that emergency medical services are maintained throughout
987 the entire locality.

988 **§ 15.2-1512.2. Political activities of employees of localities, firefighters, emergency medical**
989 **services personnel, and law-enforcement officers and certain other officers and employees.**

990 A. For the purposes of this section:

991 "Emergency medical ~~technician~~ services personnel" means any person who is employed within
992 the fire department or public safety department of a locality whose primary responsibility is the
993 provision of emergency medical care to the sick or injured, using either basic or advanced techniques.
994 Emergency medical ~~technicians~~ services personnel may also provide fire protection services and assist
995 in the enforcement of the fire prevention code.

996 "Firefighter" means any person who is employed within the fire department or public safety
997 department of a locality whose primary responsibility is the prevention or extinguishment of fires, the
998 protection of life and property, or the enforcement of local or state fire prevention codes or laws
999 pertaining to the prevention or control of fires.

1000 "Law-enforcement officer" means any person who is employed within the police department,
1001 bureau, or force of any locality, including the sheriff's department of any city or county, and who is
1002 authorized by law to make arrests.

1003 "Locality" means counties, cities, towns, authorities, or special districts.

1004 "Political campaign" means activities engaged in for the purpose of promoting a political issue,
1005 for influencing the outcome of an election for local or state office, or for influencing the outcome of a
1006 referendum or special election.

1007 "Political candidate" means any person who has made known his or her intention to seek, or
1008 campaign for, local or state office in a general, primary, or special election.

1009 "Political party" means any party, organization, or group having as its purpose the promotion of
1010 political candidates or political campaigns.

1011 B. Notwithstanding any contrary provision of law, general or special, no locality shall prohibit an
1012 employee of the locality, including firefighters, emergency medical ~~technicians~~ services personnel, or
1013 law-enforcement officers within its employment, or deputies, appointees, and employees of local
1014 constitutional officers as defined in § 15.2-1600, from participating in political activities while these
1015 employees are off duty, out of uniform and not on the premises of their employment with the locality.

1016 C. For purposes of this section, the term "political activities" includes, but is not limited to:
1017 voting; registering to vote; soliciting votes or endorsements on behalf of a political candidate or political
1018 campaign; expressing opinions, privately or publicly, on political subjects and candidates; displaying a
1019 political picture, sign, sticker, badge, or button; participating in the activities of, or contributing
1020 financially to, a political party, candidate, or campaign or an organization that supports a political
1021 candidate or campaign; attending or participating in a political convention, caucus, rally, or other
1022 political gathering; initiating, circulating, or signing a political petition; engaging in fund-raising
1023 activities for any political party, candidate, or campaign; acting as a recorder, watcher, challenger, or
1024 similar officer at the polls on behalf of a political party, candidate, or campaign; or becoming a political
1025 candidate.

1026 D. Employees of a locality, including firefighters, emergency medical ~~technicians~~ services
1027 personnel, law-enforcement officers, and other employees specified in subsection B are prohibited from
1028 using their official authority to coerce or attempt to coerce a subordinate employee to pay, lend, or
1029 contribute anything of value to a political party, candidate, or campaign, or to discriminate against any
1030 employee or applicant for employment because of that person's political affiliations or political
1031 activities, except as such affiliation or activity may be established by law as disqualification for
1032 employment.

1033 E. Employees of a locality, including firefighters, emergency medical ~~technicians~~ services
1034 personnel, law-enforcement officers, and other employees specified in subsection B are prohibited from
1035 discriminating in the provision of public services, including but not limited to ~~fire fighting~~ firefighting,
1036 emergency medical, ~~or~~ and law-enforcement services, or responding to requests for such services, on the

1037 basis of the political affiliations or political activities of the person or organization for which such
1038 services are provided or requested.

1039 F. Employees of a locality, including firefighters, emergency medical ~~technicians~~ services
1040 personnel, law-enforcement officers, and other employees specified in subsection B are prohibited from
1041 suggesting or implying that a locality has officially endorsed a political party, candidate, or campaign.

1042 **§ 15.2-1714. Establishing police lines, perimeters, or barricades.**

1043 Whenever fires, accidents, wrecks, explosions, crimes, riots, or other emergency situations where
1044 life, limb, or property may be endangered may cause persons to collect on the public streets, alleys,
1045 highways, parking lots, or other public area, the chief law-enforcement officer of any locality or that
1046 officer's authorized representative who is responsible for the security of the scene may establish such
1047 areas, zones, or perimeters by the placement of police lines or barricades as are reasonably necessary to
1048 (i) preserve the integrity of evidence at such scenes, (ii) notwithstanding the provisions of §§ 46.2-888
1049 through 46.2-891, facilitate the movement of vehicular and pedestrian traffic into, out of, and around the
1050 scene, (iii) permit firefighters, police officers, and emergency medical services personnel to perform
1051 necessary operations unimpeded, and (iv) protect persons and property.

1052 Any police line or barricade erected for these purposes shall be clearly identified by wording
1053 such as "Police Line - DO NOT CROSS" or other similar wording. If material or equipment is not
1054 available for identifying the prohibited area, then a verbal warning by identifiable law-enforcement
1055 officials positioned to indicate a location of a police line or barricade shall be given to any person or
1056 persons attempting to cross police lines or barricades without proper authorization.

1057 Such scene may be secured no longer than is reasonably necessary to effect the above-described
1058 purposes. Nothing in this section shall limit or otherwise affect the authority of, or be construed to deny
1059 access to such scene by, any person charged by law with the responsibility of rendering assistance at or
1060 investigating any such fires, accidents, wrecks, explosions, crimes or riots.

1061 Personnel from information services such as press, radio, and television, when gathering news,
1062 shall be exempt from the provisions of this section except that it shall be unlawful for such persons to

1063 obstruct the police, ~~firemen and rescue workers~~ firefighters, or emergency medical services personnel in
1064 the performance of their duties at such scene. Such personnel shall proceed at their own risk.

1065 **§ 15.2-1716. Reimbursement of expenses incurred in responding to DUI and related**
1066 **incidents.**

1067 A. Any locality may provide by ordinance that a person convicted of violating any of the
1068 following provisions shall, at the time of sentencing or in a separate civil action, be liable to the locality
1069 or to any responding volunteer fire company or department or ~~rescue squad~~ volunteer emergency
1070 medical services agency, or both, for restitution of reasonable expenses incurred by the locality for
1071 responding law enforcement, firefighting, ~~rescue~~ and emergency medical services, including those
1072 incurred by the sheriff's office of such locality, or by any volunteer fire or ~~rescue squad~~ volunteer
1073 emergency medical services agency, or by any combination of the foregoing, when providing an
1074 appropriate emergency response to any accident or incident related to such violation. The ordinance may
1075 further provide that a person convicted of violating any of the following provisions shall, at the time of
1076 sentencing or in a separate civil action, be liable to the locality or to any responding volunteer fire or
1077 ~~rescue squad~~ volunteer emergency medical services agency, or both, for restitution of reasonable
1078 expenses incurred by the locality when issuing any related arrest warrant or summons, including the
1079 expenses incurred by the sheriff's office of such locality, or by any volunteer fire or ~~rescue squad~~
1080 volunteer emergency medical services agency, or by any combination of the foregoing:

1081 1. The provisions of § 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-266.1, 29.1-738, 29.1-738.02, or
1082 46.2-341.24, or a similar ordinance, when such operation of a motor vehicle, engine, train or watercraft
1083 while so impaired is the proximate cause of the accident or incident;

1084 2. The provisions of Article 7 (§ 46.2-852 et seq.) of Chapter 8 of Title 46.2 relating to reckless
1085 driving, when such reckless driving is the proximate cause of the accident or incident;

1086 3. The provisions of Article 1 (§ 46.2-300 et seq.) of Chapter 3 of Title 46.2 relating to driving
1087 without a license or driving with a suspended or revoked license; and

1088 4. The provisions of § 46.2-894 relating to improperly leaving the scene of an accident.

1089 B. Personal liability under this section for reasonable expenses of an appropriate emergency
1090 response pursuant to subsection A shall not exceed \$1,000 in the aggregate for a particular accident,
1091 arrest, or incident occurring in such locality. In determining the "reasonable expenses," a locality may
1092 bill a flat fee of \$350 or a minute-by-minute accounting of the actual costs incurred. As used in this
1093 section, "appropriate emergency response" includes all costs of providing law-enforcement, firefighting,
1094 ~~rescue~~, and emergency medical services. The court may order as restitution the reasonable expenses
1095 incurred by the locality for responding law enforcement, firefighting, ~~rescue~~ and emergency medical
1096 services. The provisions of this section shall not preempt or limit any remedy available to the
1097 Commonwealth, to the locality, or to any volunteer ~~rescue squad~~ emergency medical services agency to
1098 recover the reasonable expenses of an emergency response to an accident or incident not involving
1099 impaired driving, operation of a vehicle, or other conduct as set forth herein.

1100 **§ 15.2-1716.1. Reimbursement of expenses incurred in responding to terrorism hoax**
1101 **incident.**

1102 Any locality may provide by ordinance that any person who is convicted of a violation of
1103 subsection B or C of § 18.2-46.6, when his violation of such section is the proximate cause of any
1104 incident resulting in an appropriate emergency response, shall be liable at the time of sentencing or in a
1105 separate civil action to the locality or to any volunteer ~~rescue squad~~ emergency medical services agency,
1106 or both, which may provide such emergency response for the reasonable expense thereof, in an amount
1107 not to exceed \$1,000 in the aggregate for a particular incident occurring in such locality. In determining
1108 the "reasonable expense," a locality may bill a flat fee of \$250 or a minute-by-minute accounting of the
1109 actual costs incurred. As used in this section, "appropriate emergency response" includes all costs of
1110 providing law-enforcement, ~~fire fighting~~ firefighting, ~~rescue~~, and emergency medical services. The
1111 provisions of this section shall not preempt or limit any remedy available to the Commonwealth, to the
1112 locality, or to any volunteer ~~rescue squad~~ emergency medical services agency to recover the reasonable
1113 expenses of an emergency response to an incident not involving a terroristic hoax as set forth herein.

1114 **§ 16.1-228. Definitions.**

1115 When used in this chapter, unless the context otherwise requires:

1116 "Abused or neglected child" means any child:

1117 1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or
1118 inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than
1119 accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental
1120 functions, including, but not limited to, a child who is with his parent or other person responsible for his
1121 care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled
1122 substance, or (ii) during the unlawful sale of such substance by that child's parents or other person
1123 responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would
1124 constitute a felony violation of § 18.2-248;

1125 2. Whose parents or other person responsible for his care neglects or refuses to provide care
1126 necessary for his health; however, no child who in good faith is under treatment solely by spiritual
1127 means through prayer in accordance with the tenets and practices of a recognized church or religious
1128 denomination shall for that reason alone be considered to be an abused or neglected child;

1129 3. Whose parents or other person responsible for his care abandons such child;

1130 4. Whose parents or other person responsible for his care commits or allows to be committed any
1131 sexual act upon a child in violation of the law;

1132 5. Who is without parental care or guardianship caused by the unreasonable absence or the
1133 mental or physical incapacity of the child's parent, guardian, legal custodian, or other person standing in
1134 loco parentis; or

1135 6. Whose parents or other person responsible for his care creates a substantial risk of physical or
1136 mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as
1137 defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the
1138 parent or other person responsible for his care knows has been convicted of an offense against a minor
1139 for which registration is required as a violent sexual offender pursuant to § 9.1-902.

1140 If a civil proceeding under this chapter is based solely on the parent having left the child at a
1141 hospital or ~~rescue squad~~ emergency medical services agency, it shall be an affirmative defense that such
1142 parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended

1143 ~~rescue-squad~~ emergency medical services agency that employs emergency medical ~~technicians~~ services
1144 personnel, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to §
1145 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the
1146 ground of abandonment.

1147 "Adoptive home" means the place of residence of any natural person in which a child resides as a
1148 member of the household and in which he has been placed for the purposes of adoption or in which he
1149 has been legally adopted by another member of the household.

1150 "Adult" means a person 18 years of age or older.

1151 "Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a
1152 part of the same act or transaction as, or which constitutes a part of a common scheme or plan with, a
1153 delinquent act which would be a felony if committed by an adult.

1154 "Boot camp" means a short term secure or nonsecure juvenile residential facility with highly
1155 structured components including, but not limited to, military style drill and ceremony, physical labor,
1156 education and rigid discipline, and no less than six months of intensive aftercare.

1157 "Child," "juvenile," or "minor" means a person less than 18 years of age.

1158 "Child in need of services" means (i) a child whose behavior, conduct or condition presents or
1159 results in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of
1160 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and
1161 physical safety of another person; however, no child who in good faith is under treatment solely by
1162 spiritual means through prayer in accordance with the tenets and practices of a recognized church or
1163 religious denomination shall for that reason alone be considered to be a child in need of services, nor
1164 shall any child who habitually remains away from or habitually deserts or abandons his family as a
1165 result of what the court or the local child protective services unit determines to be incidents of physical,
1166 emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

1167 However, to find that a child falls within these provisions, (i) the conduct complained of must
1168 present a clear and substantial danger to the child's life or health or to the life or health of another
1169 person, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being

1170 received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or
1171 services needed by the child or his family.

1172 "Child in need of supervision" means:

1173 1. A child who, while subject to compulsory school attendance, is habitually and without
1174 justification absent from school, and (i) the child has been offered an adequate opportunity to receive the
1175 benefit of any and all educational services and programs that are required to be provided by law and
1176 which meet the child's particular educational needs, (ii) the school system from which the child is absent
1177 or other appropriate agency has made a reasonable effort to effect the child's regular attendance without
1178 success, and (iii) the school system has provided documentation that it has complied with the provisions
1179 of § 22.1-258; or

1180 2. A child who, without reasonable cause and without the consent of his parent, lawful custodian
1181 or placement authority, remains away from or deserts or abandons his family or lawful custodian on
1182 more than one occasion or escapes or remains away without proper authority from a residential care
1183 facility in which he has been placed by the court, and (i) such conduct presents a clear and substantial
1184 danger to the child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or
1185 services not presently being received, and (iii) the intervention of the court is essential to provide the
1186 treatment, rehabilitation or services needed by the child or his family.

1187 "Child welfare agency" means a child-placing agency, child-caring institution or independent
1188 foster home as defined in § 63.2-100.

1189 "The court" or the "juvenile court" or the "juvenile and domestic relations court" means the
1190 juvenile and domestic relations district court of each county or city.

1191 "Delinquent act" means (i) an act designated a crime under the law of ~~this~~ the Commonwealth, or
1192 an ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of § 18.2-
1193 308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but shall not include an act other
1194 than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if committed
1195 by a child. For purposes of §§ 16.1-241 and 16.1-278.9, the term shall include a refusal to take a blood
1196 or breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city, or town.

1197 "Delinquent child" means a child who has committed a delinquent act or an adult who has
1198 committed a delinquent act prior to his 18th birthday, except where the jurisdiction of the juvenile court
1199 has been terminated under the provisions of § 16.1-269.6.

1200 "Department" means the Department of Juvenile Justice and "Director" means the administrative
1201 head in charge thereof or such of his assistants and subordinates as are designated by him to discharge
1202 the duties imposed upon him under this law.

1203 "Family abuse" means any act involving violence, force, or threat that results in bodily injury or
1204 places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by
1205 a person against such person's family or household member. Such act includes, but is not limited to, any
1206 forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of
1207 Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable
1208 apprehension of death, sexual assault, or bodily injury.

1209 "Family or household member" means (i) the person's spouse, whether or not he or she resides in
1210 the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the
1211 same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers,
1212 sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons
1213 reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law,
1214 daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v)
1215 any individual who has a child in common with the person, whether or not the person and that individual
1216 have been married or have resided together at any time, or (vi) any individual who cohabits or who,
1217 within the previous 12 months, cohabited with the person, and any children of either of them then
1218 residing in the same home with the person.

1219 "Foster care services" means the provision of a full range of casework, treatment and community
1220 services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or in
1221 need of services as defined in this section and his family when the child (i) has been identified as
1222 needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through
1223 an agreement between the local board of social services or a public agency designated by the community

1224 policy and management team and the parents or guardians where legal custody remains with the parents
1225 or guardians, (iii) has been committed or entrusted to a local board of social services or child welfare
1226 agency, or (iv) has been placed under the supervisory responsibility of the local board pursuant to §
1227 16.1-293.

1228 "Independent living arrangement" means placement of a child at least 16 years of age who is in
1229 the custody of a local board or licensed child-placing agency and has been placed by the local board or
1230 licensed child-placing agency in a living arrangement in which he does not have daily substitute parental
1231 supervision.

1232 "Independent living services" means services and activities provided to a child in foster care 14
1233 years of age or older and who has been committed or entrusted to a local board of social services, child
1234 welfare agency, or private child-placing agency. "Independent living services" may also mean services
1235 and activities provided to a person who was in foster care on his 18th birthday and has not yet reached
1236 the age of 21 years. Such services shall include counseling, education, housing, employment, and money
1237 management skills development and access to essential documents and other appropriate services to help
1238 children or persons prepare for self-sufficiency.

1239 "Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of
1240 this chapter.

1241 "Jail" or "other facility designed for the detention of adults" means a local or regional
1242 correctional facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court
1243 holding cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to
1244 the transfer of a child to a juvenile facility.

1245 "The judge" means the judge or the substitute judge of the juvenile and domestic relations
1246 district court of each county or city.

1247 "This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced
1248 in this chapter.

1249 "Legal custody" means (i) a legal status created by court order which vests in a custodian the
1250 right to have physical custody of the child, to determine and redetermine where and with whom he shall

1251 live, the right and duty to protect, train and discipline him and to provide him with food, shelter,
1252 education and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii)
1253 the legal status created by court order of joint custody as defined in § 20-107.2.

1254 "Permanent foster care placement" means the place of residence in which a child resides and in
1255 which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation
1256 and agreement between the placing agency and the place of permanent foster care that the child shall
1257 remain in the placement until he reaches the age of majority unless modified by court order or unless
1258 removed pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of
1259 residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term
1260 basis.

1261 "Residual parental rights and responsibilities" means all rights and responsibilities remaining
1262 with the parent after the transfer of legal custody or guardianship of the person, including but not limited
1263 to the right of visitation, consent to adoption, the right to determine religious affiliation and the
1264 responsibility for support.

1265 "Secure facility" or "detention home" means a local, regional or state public or private locked
1266 residential facility that has construction fixtures designed to prevent escape and to restrict the movement
1267 and activities of children held in lawful custody.

1268 "Shelter care" means the temporary care of children in physically unrestricting facilities.

1269 "State Board" means the State Board of Juvenile Justice.

1270 "Status offender" means a child who commits an act prohibited by law which would not be
1271 criminal if committed by an adult.

1272 "Status offense" means an act prohibited by law which would not be an offense if committed by
1273 an adult.

1274 "Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of §
1275 16.1-269.1 when committed by a juvenile 14 years of age or older.

1276 **§ 18.2-51.1. Malicious bodily injury to law-enforcement officers, firefighters, search and**
1277 **rescue personnel, or emergency medical services personnel; penalty; lesser-included offense.**

1278 If any person maliciously causes bodily injury to another by any means including the means set
1279 out in § 18.2-52, with intent to maim, disfigure, disable or kill, and knowing or having reason to know
1280 that such other person is a law-enforcement officer, as defined hereinafter, firefighter, as defined in §
1281 65.2-102, search and rescue personnel as defined hereinafter, or emergency medical services personnel,
1282 as defined in § 32.1-111.1 engaged in the performance of his public duties as a law-enforcement officer,
1283 firefighter, search and rescue personnel, or emergency medical services personnel, such person ~~shall be~~
1284 is guilty of a felony punishable by imprisonment for a period of not less than five years nor more than 30
1285 years and, subject to subdivision (g) of § 18.2-10, a fine of not more than \$100,000. Upon conviction,
1286 the sentence of such person shall include a mandatory minimum term of imprisonment of two years.

1287 If any person unlawfully, but not maliciously, with the intent aforesaid, causes bodily injury to
1288 another by any means, knowing or having reason to know such other person is a law-enforcement
1289 officer, firefighter, as defined in § 65.2-102, search and rescue personnel, or emergency medical services
1290 personnel, engaged in the performance of his public duties as a law-enforcement officer, firefighter,
1291 search and rescue personnel, or emergency medical services personnel as defined in § 32.1-111.1, he
1292 ~~shall be~~ is guilty of a Class 6 felony, and upon conviction, the sentence of such person shall include a
1293 mandatory minimum term of imprisonment of one year.

1294 Nothing in this section shall be construed to affect the right of any person charged with a
1295 violation of this section from asserting and presenting evidence in support of any defenses to the charge
1296 that may be available under common law.

1297 As used in this section, "law-enforcement officer" means any full-time or part-time employee of
1298 a police department or sheriff's office that is part of or administered by the Commonwealth or any
1299 political subdivision thereof, who is responsible for the prevention or detection of crime and the
1300 enforcement of the penal, traffic, or highway laws of ~~this~~ the Commonwealth; any conservation officer
1301 of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; any
1302 conservation police officer appointed pursuant to § 29.1-200; and auxiliary police officers appointed or
1303 provided for pursuant to §§ 15.2-1731 and 15.2-1733 and auxiliary deputy sheriffs appointed pursuant to
1304 § 15.2-1603.

1305 As used in this section, "search and rescue personnel" means any employee or member of a
1306 search and rescue organization that is authorized by a resolution or ordinance duly adopted by the
1307 governing body of any county, city, or town of the Commonwealth or any member of a search and
1308 rescue organization operating under a memorandum of understanding with the Virginia Department of
1309 Emergency Management.

1310 The provisions of § 18.2-51 shall be deemed to provide a lesser-included offense hereof.

1311 **§ 18.2-121.2. Trespass by spotlight on agricultural land.**

1312 If any person shall willfully use a spotlight or similar lighting apparatus to cast a light upon
1313 private property used for livestock or crops without the written permission of the person in legal
1314 possession of such property, he shall be guilty of a Class 3 misdemeanor.

1315 The prohibition of this section shall not apply to light cast by (i) permanently installed outdoor
1316 lighting fixtures, (ii) headlamps on vehicles moving in normal travel on public or private roads, (iii)
1317 railroad locomotives or rolling stock being operated on the tracks or right-of-way of a railroad company,
1318 (iv) aircraft or watercraft, (v) apparatus used by employees of any public utility in maintaining the
1319 utility's lines and equipment, (vi) emergency medical services vehicles used by emergency medical
1320 services personnel or fire apparatus used by members of ~~rescue squads or~~ fire departments in the
1321 performance of their official duties, (vii) apparatus used by any law-enforcement officer in the
1322 performance of his official duties, or (viii) farm machinery or motor vehicles being used in normal
1323 farming operations.

1324 **§ 18.2-154. Shooting at or throwing missiles, etc., at train, car, vessel, etc.; penalty.**

1325 Any person who maliciously shoots at, or maliciously throws any missile at or against, any train
1326 or cars on any railroad or other transportation company or any vessel or other watercraft, or any motor
1327 vehicle or other vehicles when occupied by one or more persons, whereby the life of any person on such
1328 train, car, vessel, or other watercraft, or in such motor vehicle or other vehicle, may be put in peril, is
1329 guilty of a Class 4 felony. In the event of the death of any such person, resulting from such malicious
1330 shooting or throwing, the person so offending is guilty of murder in the second degree. However, if the
1331 homicide is willful, deliberate, and premeditated, he is guilty of murder in the first degree.

1332 If any such act is committed unlawfully, but not maliciously, the person so offending is guilty of
1333 a Class 6 felony and, in the event of the death of any such person, resulting from such unlawful act, the
1334 person so offending is guilty of involuntary manslaughter.

1335 If any person commits a violation of this section by maliciously or unlawfully shooting, with a
1336 firearm, at a conspicuously marked law-enforcement, fire, or ~~rescue squad vehicle, ambulance or any~~
1337 ~~other~~ emergency medical services vehicle, the sentence imposed shall include a mandatory minimum
1338 term of imprisonment of one year to be served consecutively with any other sentence.

1339 **§ 18.2-174.1. Impersonating certain public safety personnel; penalty.**

1340 Any person who willfully impersonates, with the intent to make another believe he is, ~~a certified~~
1341 ~~an~~ emergency medical services ~~personnel provider~~, firefighter, special forest warden designated
1342 pursuant to § 10.1-1135, fire marshal, or fire chief is guilty of a Class 1 misdemeanor. A second or
1343 subsequent offense is punishable as a Class 6 felony.

1344 **§ 18.2-212. Calling or summoning emergency medical services vehicle or firefighting**
1345 **apparatus without just cause; maliciously activating fire alarms in public buildings; venue.**

1346 A. Any person who without just cause therefor, calls or summons, by telephone or otherwise,
1347 any ~~ambulance, emergency medical services vehicle~~ or ~~fire-fighting firefighting~~ apparatus, or any person
1348 who maliciously activates a manual or automatic fire alarm in any building used for public assembly or
1349 for other public use, including, but not limited to, schools, theaters, stores, office buildings, shopping
1350 centers and malls, coliseums, and arenas, regardless of whether an emergency medical services vehicle
1351 or fire apparatus responds or not, ~~shall be deemed is~~ guilty of a Class 1 misdemeanor.

1352 B. A violation of this section may be prosecuted either in the jurisdiction from which the call or
1353 summons was made or in the jurisdiction where the call or summons was received.

1354 **§ 18.2-340.16. Definitions.**

1355 As used in this article, unless the context requires a different meaning:

1356 "Bingo" means a specific game of chance played with (i) individual cards having randomly
1357 numbered squares ranging from one to 75, (ii) Department-approved electronic devices that display
1358 facsimiles of bingo cards and are used for the purpose of marking and monitoring players' cards as

1359 numbers are called, or (iii) Department-approved cards, in which prizes are awarded on the basis of
1360 designated numbers on such cards conforming to a predetermined pattern of numbers selected at
1361 random.

1362 "Board" means the Charitable Gaming Board created pursuant to § 2.2-2455.

1363 "Bona fide member" means an individual who participates in activities of a qualified
1364 organization other than such organization's charitable gaming activities.

1365 "Charitable gaming" or "charitable games" means those raffles and games of chance explicitly
1366 authorized by this article.

1367 "Charitable gaming supplies" includes bingo cards or sheets, devices for selecting bingo
1368 numbers, instant bingo cards, pull-tab cards and seal cards, and any other equipment or product
1369 manufactured for or intended to be used in the conduct of charitable games. However, for the purposes
1370 of this article, charitable gaming supplies shall not include items incidental to the conduct of charitable
1371 gaming such as markers, wands, or tape.

1372 "Commissioner" means the Commissioner of the Department of Agriculture and Consumer
1373 Services.

1374 "Conduct" means the actions associated with the provision of a gaming operation during and
1375 immediately before or after the permitted activity, which may include, but not be limited to, (i) selling
1376 bingo cards or packs, electronic devices, instant bingo or pull-tab cards, or raffle tickets, (ii) calling
1377 bingo games, (iii) distributing prizes, and (iv) any other services provided by volunteer workers.

1378 "Department" means the Department of Agriculture and Consumer Services.

1379 "Fair market rental value" means the rent that a rental property will bring when offered for lease
1380 by a lessor who desires to lease the property but is not obligated to do so and leased by a lessee under no
1381 necessity of leasing.

1382 "Gaming expenses" means prizes, supplies, costs of publicizing gaming activities, audit and
1383 administration or permit fees, and a portion of the rent, utilities, accounting and legal fees and such other
1384 reasonable and proper expenses as are directly incurred for the conduct of charitable gaming.

1385 "Gross receipts" means the total amount of money generated by an organization from charitable
1386 gaming before the deduction of expenses, including prizes.

1387 "Instant bingo," "pull tabs," or "seal cards" means specific games of chance played by the
1388 random selection of one or more individually prepacked cards, including Department-approved
1389 electronic versions thereof, with winners being determined by the preprinted or predetermined
1390 appearance of concealed letters, numbers or symbols that must be exposed by the player to determine
1391 wins and losses and may include the use of a seal card which conceals one or more numbers or symbols
1392 that have been designated in advance as prize winners. Such cards may be dispensed by electronic or
1393 mechanical equipment.

1394 "Jackpot" means a bingo game that the organization has designated on its game program as a
1395 jackpot game in which the prize amount is greater than \$100.

1396 "Landlord" means any person or his agent, firm, association, organization, partnership, or
1397 corporation, employee, or immediate family member thereof, which owns and leases, or leases any
1398 premises devoted in whole or in part to the conduct of bingo games, and any person residing in the same
1399 household as a landlord.

1400 "Management" means the provision of oversight of a gaming operation, which may include, but
1401 is not limited to, the responsibilities of applying for and maintaining a permit or authorization,
1402 compiling, submitting and maintaining required records and financial reports, and ensuring that all
1403 aspects of the operation are in compliance with all applicable statutes and regulations.

1404 "Network bingo" means a specific bingo game in which pari-mutuel play is permitted.

1405 "Network bingo provider" means a person licensed by the Department to operate network bingo.

1406 "Operation" means the activities associated with production of a charitable gaming activity,
1407 which may include, but not be limited to (i) the direct on-site supervision of the conduct of charitable
1408 gaming; (ii) coordination of volunteers; and (iii) all responsibilities of charitable gaming designated by
1409 the organization's management.

1410 "Organization" means any one of the following:

1411 1. A volunteer fire department or ~~rescue squad~~ volunteer emergency medical services agency or
1412 auxiliary unit thereof ~~which that~~ has been recognized in accordance with § 15.2-955 by an ordinance or
1413 resolution of the political subdivision where the volunteer fire department or ~~rescue squad~~ volunteer
1414 emergency medical services agency is located as being a part of the safety program of such political
1415 subdivision;

1416 2. An organization operated exclusively for religious, charitable, community or educational
1417 purposes;

1418 3. An athletic association or booster club or a band booster club established solely to raise funds
1419 for school-sponsored athletic or band activities for a public school or private school accredited pursuant
1420 to § 22.1-19 or to provide scholarships to students attending such school;

1421 4. An association of war veterans or auxiliary units thereof organized in the United States;

1422 5. A fraternal association or corporation operating under the lodge system;

1423 6. A local chamber of commerce; or

1424 7. Any other nonprofit organization that raises funds by conducting raffles that generate annual
1425 gross receipts of \$40,000 or less, provided such gross receipts from the raffle, less expenses and prizes,
1426 are used exclusively for charitable, educational, religious or community purposes.

1427 "Pari-mutuel play" means an integrated network operated by a licensee of the Department
1428 comprised of participating charitable organizations for the conduct of network bingo games in which the
1429 purchase of a network bingo card by a player automatically includes the player in a pool with all other
1430 players in the network, and where the prize to the winning player is awarded based on a percentage of
1431 the total amount of network bingo cards sold in a particular network.

1432 "Qualified organization" means any organization to which a valid permit has been issued by the
1433 Department to conduct charitable gaming or any organization that is exempt pursuant to § 18.2-340.23.

1434 "Raffle" means a lottery in which the prize is won by (i) a random drawing of the name or
1435 prearranged number of one or more persons purchasing chances or (ii) a random contest in which the
1436 winning name or preassigned number of one or more persons purchasing chances is determined by a
1437 race involving inanimate objects floating on a body of water, commonly referred to as a "duck race."

1438 "Reasonable and proper business expenses" means business expenses actually incurred by a
1439 qualified organization in the conduct of charitable gaming and not otherwise allowed under this article
1440 or under Board regulations on real estate and personal property tax payments, travel expenses, payments
1441 of utilities and trash collection services, legal and accounting fees, costs of business furniture, fixtures
1442 and office equipment and costs of acquisition, maintenance, repair or construction of an organization's
1443 real property. For the purpose of this definition, salaries and wages of employees whose primary
1444 responsibility is to provide services for the principal benefit of an organization's members shall not
1445 qualify as a business expense. However, payments made pursuant to § 51.1-1204 to the Volunteer
1446 Firefighters' and Rescue Squad Workers' Service Award Fund shall be deemed a reasonable and proper
1447 business expense.

1448 "Supplier" means any person who offers to sell, sells or otherwise provides charitable gaming
1449 supplies to any qualified organization.

1450 **§ 18.2-340.23. Organizations exempt from certain permits and fees.**

1451 A. No organization that reasonably expects, based on prior charitable gaming annual results or
1452 any other quantifiable method, to realize gross receipts of \$40,000 or less in any 12-month period shall
1453 be required to (i) notify the Department of its intention to conduct charitable gaming, or (ii) comply with
1454 Board regulations. If any organization's actual gross receipts for the 12-month period exceed \$40,000,
1455 the Department may require the organization to file by a specified date the report required by § 18.2-
1456 340.30.

1457 B. Any volunteer fire department or ~~rescue squad~~ volunteer emergency medical services agency
1458 or auxiliary unit thereof ~~which that~~ has been recognized in accordance with § 15.2-955 by an ordinance
1459 or resolution of the political subdivision where the volunteer fire department or ~~rescue squad~~ volunteer
1460 emergency medical services agency is located as being part of the safety program of such political
1461 subdivision shall be exempt from the payment of application fees required by § 18.2-340.25 and the
1462 payment of audit fees required by § 18.2-340.31. Nothing in this subsection shall be construed as
1463 exempting volunteer fire departments and ~~rescue squads~~ volunteer emergency medical services agencies
1464 from any other provisions of this article or other Board regulations.

1465 C. Nothing in this section shall prevent the Department from conducting any investigation or
1466 audit it deems appropriate to ensure an organization's compliance with the provisions of this article and,
1467 to the extent applicable, Board regulations.

1468 **§ 18.2-340.34:1. Bingo managers and callers; remuneration; registration; qualification;**
1469 **suspension, revocation or refusal to renew certificate; exceptions.**

1470 A. No person shall receive remuneration as a bingo manager or caller from any qualified
1471 organization unless and until such person has made application for and has been issued a registration
1472 certificate by the Department. Application for registration shall be made on forms prescribed by the
1473 Department and shall be accompanied by a fee in the amount of \$75. Each registration certificate shall
1474 remain valid for a period of one year from the date of issuance. Application for renewal of a registration
1475 certificate shall be accompanied by a fee in the amount of \$75 and shall be made on forms prescribed by
1476 the Department.

1477 B. As a condition of registration as a bingo manager, the applicant shall (i) have been a bona fide
1478 member of the qualified organization for at least 12 consecutive months prior to making application for
1479 registration and (ii) be required to complete a reasonable training course developed and conducted by
1480 the Department.

1481 As a condition of registration as a bingo caller, the applicant shall be required to complete a
1482 reasonable training course developed and conducted by the Department.

1483 The Department may refuse to register any bingo manager or caller who has (a) been convicted
1484 of or pleaded nolo contendere to a felony in any state or federal court or has been convicted of any
1485 offense which, if committed in the Commonwealth, would be a felony; (b) been convicted of or pleaded
1486 nolo contendere to a crime involving gambling; (c) had any license, permit, certificate, or other authority
1487 related to activities defined as charitable gaming in the Commonwealth suspended or revoked in the
1488 Commonwealth or in any other jurisdiction; or (d) failed to file or has been delinquent in excess of one
1489 year in the filing of any tax returns or the payment of any taxes due the Commonwealth.

1490 C. The Department may suspend, revoke, or refuse to renew the registration certificate of any
1491 bingo manager or caller for any conduct described in subsection B or for any violation of this article or

1492 regulations of the Board. Before taking any such action, the Department shall give the bingo manager or
1493 caller a written statement of the grounds upon which it proposes to take such action and an opportunity
1494 to be heard. Every hearing in a contested case shall be conducted in accordance with the Administrative
1495 Process Act (§ 2.2-4000 et seq.).

1496 D. The provisions of subsection A requiring registration for bingo callers with the Department
1497 shall not apply to a bingo caller for a volunteer fire department or ~~rescue squad~~ volunteer emergency
1498 medical services agency or auxiliary unit thereof that has been recognized in accordance with § 15.2-955
1499 by an ordinance or resolution of the political subdivision where the volunteer fire department or ~~rescue~~
1500 ~~squad~~ volunteer emergency medical services agency is located as being a part of the safety program of
1501 such political subdivision.

1502 **§ 18.2-371. Causing or encouraging acts rendering children delinquent, abused, etc.;**
1503 **penalty; abandoned infant.**

1504 Any person 18 years of age or older, including the parent of any child, who (i) willfully
1505 contributes to, encourages, or causes any act, omission, or condition that renders a child delinquent, in
1506 need of services, in need of supervision, or abused or neglected as defined in § 16.1-228 or (ii) engages
1507 in consensual sexual intercourse or anal intercourse with or performs cunnilingus, fellatio, or anilingus
1508 upon or by a child 15 or older not his spouse, child, or grandchild is guilty of a Class 1 misdemeanor.
1509 This section shall not be construed as repealing, modifying, or in any way affecting §§ 18.2-18, 18.2-19,
1510 18.2-61, 18.2-63, and 18.2-347.

1511 If the prosecution under this section is based solely on the accused parent having left the child at
1512 a hospital or ~~rescue squad~~ emergency medical services agency, it shall be an affirmative defense to
1513 prosecution of a parent under this section that such parent safely delivered the child to a hospital that
1514 provides 24-hour emergency services or to an attended ~~rescue squad~~ emergency medical services agency
1515 that employs emergency medical ~~technicians~~ services personnel, within the first 14 days of the child's
1516 life. In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably
1517 calculated to ensure the child's safety.

1518 **§ 18.2-371.1. Abuse and neglect of children; penalty; abandoned infant.**

1519 A. Any parent, guardian, or other person responsible for the care of a child under the age of 18
1520 who by willful act or omission or refusal to provide any necessary care for the child's health causes or
1521 permits serious injury to the life or health of such child ~~shall be is~~ guilty of a Class 4 felony. For
1522 purposes of this subsection, "serious injury" ~~shall include includes~~ but is not ~~be~~ limited to (i)
1523 disfigurement, (ii) a fracture, (iii) a severe burn or laceration, (iv) mutilation, (v) maiming, (vi) forced
1524 ingestion of dangerous substances, ~~or and~~ (vii) life-threatening internal injuries.

1525 B. 1. Any parent, guardian, or other person responsible for the care of a child under the age of 18
1526 whose willful act or omission in the care of such child was so gross, wanton, and culpable as to show a
1527 reckless disregard for human life ~~shall be is~~ guilty of a Class 6 felony.

1528 2. If a prosecution under this subsection is based solely on the accused parent having left the
1529 child at a hospital or ~~rescue squad emergency medical services agency~~, it shall be an affirmative defense
1530 to prosecution of a parent under this subsection that such parent safely delivered the child to a hospital
1531 that provides 24-hour emergency services or to an attended ~~rescue squad emergency medical services~~
1532 agency that employs emergency medical ~~technicians services personnel~~, within the first 14 days of the
1533 child's life. In order for the affirmative defense to apply, the child shall be delivered in a manner
1534 reasonably calculated to ensure the child's safety.

1535 C. Any parent, guardian or other person having care, custody, or control of a minor child who in
1536 good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and
1537 practices of a recognized church or religious denomination shall not, for that reason alone, be considered
1538 in violation of this section.

1539 **§ 18.2-414.1. Obstructing emergency medical services agency personnel in performance of**
1540 **mission; penalty.**

1541 Any person ~~or persons~~ who unreasonably or unnecessarily ~~obstruct a member or members of a~~
1542 ~~rescue squad obstructs the delivery of emergency medical services by emergency medical services~~
1543 agency personnel, whether governmental, private, or volunteer, ~~in the performance of their rescue~~
1544 ~~mission~~ or who ~~shall fail fails~~ or ~~refuse refuses~~ to cease such obstruction or move on when requested to
1545 do so by ~~a member of a rescue squad emergency medical services personnel~~ going to or at the site ~~of a~~

1546 | ~~rescue mission, shall be~~ at which emergency medical services are required is guilty of a Class 2
1547 | misdemeanor.

1548 | **§ 18.2-426. "Emergency call" and "emergency personnel" defined.**

1549 | As used in this article:

1550 | "Emergency call" means a call to report a fire or summon police, or for ~~medical aid or~~
1551 | ~~ambulance service~~ emergency medical services, in a situation where human life or property is in
1552 | jeopardy and the prompt summoning of aid is essential.

1553 | "Emergency personnel" means any persons, paid or volunteer, who receive calls for dispatch of
1554 | police, fire, or emergency medical ~~service services~~ personnel, and includes law-enforcement officers,
1555 | firefighters, including special forest wardens designated pursuant to § 10.1-1135, and emergency
1556 | medical ~~service services~~ personnel.

1557 | **§ 18.2-429. Causing telephone or pager to ring with intent to annoy.**

1558 | A. Any person who, with or without intent to communicate but with intent to annoy any other
1559 | person, causes any telephone or digital pager, not his own, to ring or to otherwise signal, and any person
1560 | who permits or condones the use of any telephone under his control for such purpose, is guilty of a Class
1561 | 3 misdemeanor. A second or subsequent conviction under this subsection is punishable as a Class 2
1562 | misdemeanor if such prior conviction occurred before the date of the offense charged.

1563 | B. Any person who, with or without intent to converse, but with intent to annoy, harass, hinder or
1564 | delay emergency personnel in the performance of their duties as such, causes a telephone to ring, which
1565 | is owned or leased for the purpose of receiving emergency calls by a public or private entity providing
1566 | fire, police or emergency medical ~~service services~~, and any person who knowingly permits the use of a
1567 | telephone under his control for such purpose, is guilty of a Class 1 misdemeanor.

1568 | **§ 18.2-488.1. Flag at half mast for certain public safety personnel killed in the line of duty.**

1569 | A. As used in this section, unless the context requires a different meaning:

1570 | "Emergency medical services provider" means the same as that term is defined in § 32.1-111.1;
1571 | and any member of a volunteer ~~lifesaving crew or rescue squad~~ emergency medical services agency.

1572 "Firefighter" means the same as that term is defined in § 9.1-300, and any member of a volunteer
1573 fire department.

1574 "Police officer" means any full-time or part-time employee of a police department or sheriff's
1575 office which is a part of or administered by the Commonwealth or any political subdivision thereof and
1576 who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or
1577 highway laws of the Commonwealth.

1578 "Service member" means a member of the United States armed forces, Virginia National Guard,
1579 or Virginia Defense Force.

1580 B. Whenever a service member, police officer, firefighter, or emergency medical services
1581 provider who is a resident of Virginia is killed in the line of duty, all flags, state and local, flown at any
1582 building owned and operated by the Commonwealth shall be flown at half staff or mast for one day to
1583 honor and acknowledge respect for those who made the supreme sacrifice.

1584 C. The Department of General Services shall develop procedures to effectuate the purposes of
1585 this section.

1586 **§ 22.1-279.8. School safety audits and school crisis, emergency management, and medical**
1587 **emergency response plans required.**

1588 A. For the purposes of this section, unless the context requires otherwise:

1589 "School crisis, emergency management, and medical emergency response plan" means the
1590 essential procedures, operations, and assignments required to prevent, manage, and respond to a critical
1591 event or emergency, including natural disasters involving fire, flood, tornadoes, or other severe weather;
1592 loss or disruption of power, water, communications or shelter; bus or other accidents; medical
1593 emergencies, including cardiac arrest and other life-threatening medical emergencies; student or staff
1594 member deaths; explosions; bomb threats; gun, knife or other weapons threats; spills or exposures to
1595 hazardous substances; the presence of unauthorized persons or trespassers; the loss, disappearance or
1596 kidnapping of a student; hostage situations; violence on school property or at school activities; incidents
1597 involving acts of terrorism; and other incidents posing a serious threat of harm to students, personnel, or
1598 facilities. The plan shall include a provision that the Department of Criminal Justice Services and the

1599 Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in
1600 the event of an emergency as defined in the emergency response plan when there are victims as defined
1601 in § 19.2-11.01. The Department of Criminal Justice Services and the Virginia Criminal Injuries
1602 Compensation Fund shall be the lead coordinating agencies for those individuals determined to be
1603 victims, and the plan shall also contain current contact information for both agencies.

1604 "School safety audit" means a written assessment of the safety conditions in each public school
1605 to (i) identify and, if necessary, develop solutions for physical safety concerns, including building
1606 security issues and (ii) identify and evaluate any patterns of student safety concerns occurring on school
1607 property or at school-sponsored events. Solutions and responses shall include recommendations for
1608 structural adjustments, changes in school safety procedures, and revisions to the school board's standards
1609 for student conduct.

1610 B. The Virginia Center for School and Campus Safety, in consultation with the Department of
1611 Education, shall develop a list of items to be reviewed and evaluated in the school safety audits required
1612 by this section. Such items shall include those incidents reported to school authorities pursuant to § 22.1-
1613 279.3:1 and shall include a school inspection walk-through using a standardized checklist provided by
1614 the Virginia Center for School and Campus Safety, which shall incorporate crime prevention through
1615 environmental design principles.

1616 The Virginia Center for School and Campus Safety shall prescribe a standardized report format
1617 for school safety audits, additional reporting criteria, and procedures for report submission, which may
1618 include instructions for electronic submission.

1619 Each local school board shall require all schools under its supervisory control to annually
1620 conduct school safety audits as defined in this section and consistent with such list.

1621 The results of such school safety audits shall be made public within 90 days of completion. The
1622 local school board shall retain authority to withhold or limit the release of any security plans, walk-
1623 through checklists, and specific vulnerability assessment components as provided in subdivision 7 of §
1624 2.2-3705.2. The completed walk-through checklist shall be made available upon request to the chief
1625 law-enforcement officer of the locality or his designee. Each school shall maintain a copy of the school

1626 safety audit, which may exclude such security plans, walk-through checklists, and vulnerability
1627 assessment components, within the office of the school principal and shall make a copy of such report
1628 available for review upon written request.

1629 Each school shall submit a copy of its school safety audit to the relevant school division
1630 superintendent. The division superintendent shall collate and submit all such school safety audits, in the
1631 prescribed format and manner of submission, to the Virginia Center for School and Campus Safety and
1632 shall make available upon request to the chief law-enforcement officer of the locality the results of such
1633 audits.

1634 C. The division superintendent shall establish a school safety audit committee to include, if
1635 available, representatives of parents, teachers, local law-enforcement, emergency services agencies,
1636 local community services boards, and judicial and public safety personnel. The school safety audit
1637 committee shall review the completed school safety audits and submit any plans, as needed, for
1638 improving school safety to the division superintendent for submission to the local school board.

1639 D. Each school board shall ensure that every school that it supervises shall develop a written
1640 school crisis, emergency management, and medical emergency response plan, consistent with the
1641 definition provided in this section, and shall provide copies of such plans to the chief law-enforcement
1642 officer, the fire chief, the chief of the emergency medical services ~~official~~ agency, and the emergency
1643 management official of the locality. Each school division shall designate an emergency manager. The
1644 Department of Education and the Virginia Center for School and Campus Safety shall provide technical
1645 assistance to the school divisions of the Commonwealth in the development of the school crisis,
1646 emergency management, and medical emergency response plans that describe the components of a
1647 medical emergency response plan developed in coordination with local emergency medical services
1648 providers, the training of school personnel and students to respond to a life-threatening emergency, and
1649 the equipment required for this emergency response. The local school board shall annually review the
1650 written school crisis, emergency management, and medical emergency response plans. The local school
1651 board shall have the authority to withhold or limit the review of any security plans and specific
1652 vulnerability assessment components as provided in subdivision 7 of § 2.2-3705.2. The local school

1653 division superintendent shall certify this review in writing to the Virginia Center for School and Campus
1654 Safety no later than August 31 of each year.

1655 Upon consultation with local school boards, division superintendents, the Virginia Center for
1656 School and Campus Safety, and the Coordinator of Emergency Management, the Board of Education
1657 shall develop, and may revise as it deems necessary, a model school crisis, emergency management, and
1658 medical emergency response plan for the purpose of assisting the public schools in Virginia in
1659 developing viable, effective crisis, emergency management, and medical emergency response plans.
1660 Such model shall set forth recommended effective procedures and means by which parents can contact
1661 the relevant school or school division regarding the location and safety of their school children and by
1662 which school officials may contact parents, with parental approval, during a critical event or emergency.

1663 **§ 27-1. Firefighters and equipment may in emergencies go or be sent beyond territorial**
1664 **limits.**

1665 Whenever the necessity arises during any actual or potential emergency resulting from fire,
1666 personal injury, or other public disaster, the ~~fire fighters or emergency medical technicians~~ firefighters
1667 of any county, city, or town may, together with all necessary equipment, lawfully go or be sent beyond
1668 the territorial limits of such county, city, or town to any point within or without the Commonwealth, to
1669 assist in meeting such emergency.

1670 In such event, the acts performed for such purpose by such ~~fire fighters or emergency medical~~
1671 ~~technicians~~ firefighters and the expenditures made for such purpose by such county, city, or town, shall
1672 be deemed conclusively to be for a public and governmental purpose and all of the immunities from
1673 liability enjoyed by a county, city, or town when acting through its ~~fire fighters or emergency medical~~
1674 ~~technicians~~ firefighters for a public or governmental purpose within its territorial limits shall be enjoyed
1675 by it to the same extent when such county, city, or town is so acting, under this section or under other
1676 lawful authority, beyond its territorial limits.

1677 The ~~fire fighters or emergency medical technicians~~ firefighters of any county, city, or town,
1678 when acting hereunder, or under other lawful authority, beyond the territorial limits of such county, city,
1679 or town, shall have all the immunities from liability and exemptions from laws, ordinances, and

1680 regulations, and shall have all of the pension, relief, disability, workers' compensation, and other
1681 benefits, enjoyed by them while performing their respective duties.

1682 **§ 27-2. Contracts of cities or towns to furnish fire protection.**

1683 The governing body of any city or town may, in its discretion, authorize or require the fire
1684 department ~~or emergency medical services department~~ or division thereof to render aid in cases of actual
1685 or potential fire ~~or medical emergency~~ occurring beyond their limits, and may prescribe the conditions
1686 on which such aid may be rendered, and may enter into a contract, or contracts, with nearby, adjacent or
1687 adjoining counties and cities, within or without the Commonwealth, including the District of Columbia,
1688 for rendering aid in fire protection ~~or in emergency medical response~~ in such counties, cities, or any
1689 district, or sanitary district thereof or in the District of Columbia, on such terms as may be agreed upon
1690 by such governing body and the governing body of the District of Columbia or of such counties or cities
1691 ~~and/or~~ district, including sanitary districts; provided, that each of the parties to such agreement may
1692 contract as follows: ~~(1)~~ (i) waive any and all claims against all the other parties thereto which may arise
1693 out of their activities outside their respective jurisdictions under such agreement; ~~(2)~~ (ii) indemnify and
1694 save harmless the other parties to such agreement from all claims by third parties for property damage or
1695 personal injury ~~which that~~ may arise out of the activities of the other parties to such agreement outside
1696 their respective jurisdictions under such agreement. When the fire department ~~or emergency medical~~
1697 ~~services department~~ or division of any city or town is operating under such permission or contract, or
1698 contracts, on any call beyond the corporate limits of the city or town, it shall be deemed to be operating
1699 in a governmental capacity; and subject only to such liability for injuries as it would be if it were
1700 operating within the corporate limits of such city or town.

1701 **§ 27-2.1. Contracts for fire protection for federal and state property.**

1702 Any county, city, or town may contract with the federal or state ~~governments~~ government to
1703 provide fire ~~or emergency medical~~ service to federal or state property located within or without the
1704 boundaries of the county, city, or town.

1705 In the absence of a written contract, any acts performed and all expenditures made by a county,
1706 city, or town in providing fire protection ~~or emergency medical services~~ to property owned by the

1707 federal government shall be deemed conclusively to be for a public and governmental purpose and all of
1708 the immunities from liability enjoyed by a county, city, or town when acting through its ~~fire fighters or~~
1709 ~~emergency medical technicians~~ firefighters for a public or governmental purpose within or without its
1710 territorial limits shall be enjoyed by it to the same extent when such county, city, or town is so acting,
1711 under the provisions of this section, or under other lawful authority.

1712 The ~~fire fighters or emergency medical technicians~~ firefighters of any county, city, or town when
1713 acting hereunder, or under other lawful authority, shall have all of the immunities from liability and
1714 exemptions from laws, ordinances, and regulations, and shall have all of the pension, relief, disability,
1715 workers' compensation, and other benefits enjoyed by them while performing their respective duties.

1716 The amount of compensation to the county, city, or town pursuant to the contract shall be a
1717 matter within the sole discretion of the governing body of the county, city, or town.

1718 **§ 27-3. Contract of county with city or another county for fire protection.**

1719 The governing body of any county adjoining or near any city, town, or county, within or without
1720 the Commonwealth, including the District of Columbia, having and maintaining ~~fire fighting or~~
1721 ~~emergency medical services~~ firefighting equipment may contract with any such city, town, or county,
1722 upon such terms as such governing body may deem proper, for fighting fires ~~or responding to medical~~
1723 ~~emergencies~~ in such county, town, or city and may prescribe the terms and conditions upon which such
1724 services may be provided on privately owned property in the county, town, or city and may raise funds
1725 with which to pay for such services, by levying and collecting annually, at such rates as such governing
1726 body may deem sufficient, a special tax upon the property in such county, or in any magisterial district
1727 thereof, subject to local taxation.

1728 **§ 27-4. Contract of county, city, or town to furnish fire protection.**

1729 Any county, city, or town ~~which that~~ operates ~~fire fighting~~ firefighting equipment as provided
1730 for in § 27-15.2 and any county, city, or town mentioned in § ~~27-23.6~~ 27-6.02 may contract with
1731 counties, cities, or towns in, adjacent to, or near such county, city, or town, including the District of
1732 Columbia, for fire protection ~~or emergency medical services~~ in the manner provided for in § 27-2.

1733 **§ 27-6.01. Definitions.**

1734 For the purposes of this chapter, unless the context requires a different meaning:

1735 "Fire company" means a volunteer firefighting organization organized pursuant to § 27-8 in any
1736 county, city, or town of the Commonwealth for the purpose of fighting fires.

1737 "Fire department" means a firefighting organization established as a department of government
1738 of any county, city, or town pursuant to § 27-6.1.

1739 **§ 27-6.02. Provision of firefighting services.**

1740 A. Any county, city, or town may provide firefighting services to its citizens by (i) establishing a
1741 fire department as a department of government pursuant to § 27-6.1 or (ii) contracting with or providing
1742 for the provision of firefighting services by a fire company established pursuant to § 27-8.

1743 B. In cases in which a county, city, or town elects to contract with or provide for the provision of
1744 firefighting services by a fire company pursuant to clause (ii) of subsection A, the fire company shall be
1745 deemed to be an instrumentality of the county, city, or town and, as such, exempt from suit for damages
1746 done incident to fighting fires therein. The county, city, or town may elect to provide for the matters
1747 authorized in §§ 27-4 and 27-39.

1748 As used in this section, "provide firefighting services" includes travel while performing fire,
1749 rescue, or other emergency operations in emergency vehicles or fire apparatus as described in §§ 46.2-
1750 920 and 46.2-1023, respectively.

1751 **§ 27-6.1. Establishment of fire department; chief, officers, and employees.**

1752 The governing body of any ~~city, town or~~ county, city, or town may establish a fire department as
1753 a department of government ~~a fire/EMS department~~ and may designate it by any name consistent with
1754 the names of its other governmental units. The head of such fire department shall be known as "the
1755 chief" ~~or "the director."~~ As many other officers and employees may be employed in such ~~fire/EMS fire~~
1756 department as the governing body may approve.

1757 **§ 27-7. Bylaws of fire department; compensation of officers and employees; information on**
1758 **check stubs, time cards, etc.**

1759 The governing body of any ~~city, town or~~ county, city, or town may empower the ~~fire/EMS fire~~
1760 department therein to make bylaws to promote its objects consistent with the laws of ~~this the~~

1761 Commonwealth and ordinances of the ~~city, town or~~ county, city, or town and may provide for the
1762 compensation of the officers and employees of such department.

1763 All check stubs or time cards purporting to be a record of time spent on the job by a ~~fire fighter~~
1764 ~~or emergency medical services personnel~~ firefighter shall record all hours of employment, regardless of
1765 how spent. All check stubs or pay records purporting to show the hourly compensation of a ~~fire fighter~~
1766 ~~or emergency medical services personnel~~ firefighter shall show the actual hourly wage to be paid.
1767 Nothing in this section shall require the showing of such information on check stubs, time cards, or pay
1768 records; however, if such information ~~shall be~~ is shown, the information shall be in compliance with this
1769 section.

1770 **§ 27-8. Who may form a fire company; limit on number of persons in combined companies.**

1771 Any number of persons, not less than ~~twenty~~ 20, may form themselves into a company for
1772 extinguishing fires ~~or for performing emergency medical services, or both~~. In any county in which two
1773 or more companies for extinguishing fires ~~or for performing emergency medical services shall~~ join
1774 together and singly use one ~~fire/EMS~~ fire station, the number of persons in the combined companies
1775 shall be not less than ~~twenty~~ 20. ~~The minimum number of persons required by this section shall only~~
1776 ~~apply to the formation of a fire company.~~

1777 **§ 27-9. Organization of fire company.**

1778 A writing stating the formation of ~~such a~~ fire company, with the names of the members thereof
1779 thereto subscribed, shall be recorded in the court of the city or the court of the county wherein such fire
1780 company is ~~After located, after~~ which; the members of the fire company may make regulations for
1781 effecting its objects consistent with the laws of the Commonwealth, the ordinances of the ~~city, town or~~
1782 county, city, or town and the bylaws of the ~~fire/EMS~~ fire department thereof. The principal officer of
1783 such fire company shall be known as "the chief."

1784 **§ 27-10. Dissolution of fire company.**

1785 Whenever the ~~fire/EMS~~ fire department of the ~~city, town, or~~ county, city, or town to which any
1786 ~~fire/EMS~~ fire company belongs ~~shall ascertain~~ ascertains that such company has failed, for three months
1787 successively, to consist of ~~twenty~~ 20 effective members ~~in the case of a fire company~~, or ascertain that it

1788 has failed for the like period to have or keep in good and serviceable condition, an engine, hose,
1789 ~~emergency medical services vehicle~~ and equipment and other proper implements, or the governing body
1790 of the county, city, or town for any reason deems it advisable, such governing body may dissolve the fire
1791 company.

1792 **§ 27-11. Duty of members on alarm of fire or call of a medical emergency.**

1793 Every member of the fire company shall, upon any alarm of fire or call of a medical emergency,
1794 attend according to the ordinances of the ~~city, town or~~ county, city, or town, or the bylaws, rules, or
1795 regulations of the ~~fire/EMS~~ fire department or the fire company's regulations, and endeavor to
1796 extinguish such fire or assist in the medical emergency.

1797 **§ 27-13. Appointment of chief and other officers.**

1798 In every ~~city, town or~~ county, city, or town in which ~~there is any such a fire~~ company is
1799 established, there shall be appointed, at such time and in such manner as the governing body of such
1800 ~~city, town or~~ county, city, or town may prescribe, a chief ~~or director~~ and as many other officers as such
1801 governing body may direct.

1802 **§ 27-14. Ordinances as to fire departments and fire companies.**

1803 A. ~~Such~~ The governing body of any county, city, or town in which a fire department or fire
1804 company is established may make such ordinances in relation to the powers and duties of ~~fire/EMS~~
1805 ~~departments, such fire departments or fire~~ companies, and chiefs ~~or directors~~ and other officers of such
1806 fire departments or fire companies, as it may deem proper, including billing property owners on behalf
1807 of volunteer fire departments as provided in § 38.2-2130.

1808 B. The ordinances shall not require a minor who achieved certification under National Fire
1809 Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire
1810 Programs, on or before January 1, 2006, between the ages of 15 and 16, to repeat the certification after
1811 his sixteenth birthday.

1812 **§ 27-15.1. Authority of chief or other officer in charge when answering alarm; penalty for**
1813 **refusal to obey orders.**

1814 While any ~~fire/EMS fire~~ department or ~~fire/EMS fire~~ company is in the process of answering an
1815 alarm ~~or operating at an emergency incident~~ where there is imminent danger or the actual occurrence of
1816 fire or explosion or the uncontrolled release of hazardous materials ~~which that~~ threaten life or property
1817 and returning to the station, the chief, ~~director,~~ or other officer in charge of such ~~fire/EMS fire~~
1818 department or fire company at that time shall have the authority to: (i) maintain order at such emergency
1819 incident or its vicinity; (ii) direct the actions of the ~~fire fighters or emergency medical services~~
1820 ~~personnel~~ firefighters at the incident; (iii) notwithstanding the provisions of §§ 46.2-888 through 46.2-
1821 891, keep bystanders or other persons at a safe distance from the incident and emergency equipment; (iv)
1822 (iv) facilitate the speedy movement and operation of emergency equipment and ~~fire fighters or~~
1823 ~~emergency medical services personnel~~ firefighters; (v) cause an investigation to be made into the origin
1824 and cause of the incident; and (vi) until the arrival of a police officer, direct and control traffic in person
1825 or by deputy and facilitate the movement of traffic. The fire chief, ~~director,~~ or other officer in charge
1826 shall display his ~~fire fighter's or emergency medical services personnel's~~ firefighter's badge, or other
1827 proper means of identification. Notwithstanding any other provision of law, this authority shall extend to
1828 the activation of traffic control signals designed to facilitate the safe egress and ingress of emergency
1829 equipment at a ~~fire/EMS fire~~ station. Any person or persons refusing to obey the orders of the chief,
1830 ~~director, or his deputies~~ or other officer in charge at that time ~~shall be~~ is guilty of a Class 4
1831 misdemeanor. The chief, ~~director,~~ or other officer in charge shall have the power to make arrests for
1832 violation of the provisions of this section. The authority granted under the provisions of this section may
1833 not be exercised to inhibit or obstruct members of law-enforcement agencies or ~~rescue squads~~
1834 emergency medical services agencies from performing their normal duties when operating at such
1835 emergency incident, nor to conflict with or diminish the lawful authority, duties, and responsibilities of
1836 forest wardens, including but not limited to the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title
1837 10.1. Personnel from the news media, such as the press, radio, and television, when gathering the news
1838 may enter at their own risk into the incident area only when the officer in charge has deemed the area
1839 safe and only into those areas of the incident that do not, in the opinion of the officer in charge, interfere
1840 with the ~~fire/EMS fire~~ department or ~~fire fighters~~ fire company, firefighters, or emergency medical

1841 services personnel dealing with such emergencies, in which case the chief or other officer in charge may
1842 order such person from the scene of the emergency incident.

1843 § 27-15.1:1. Penalty for refusing or neglecting to obey order of chief or other officer in
1844 command.

1845 If any person at a fire refuses or neglects to obey any order duly given by the chief or other
1846 officer in command, he shall be fined a civil penalty not to exceed \$100.

1847 **§ 27-15.2. Purchase, maintenance, etc., of equipment; donated equipment.**

1848 A. The governing body of every ~~city, town or~~ county, city, and town shall have power to provide
1849 for the purchase, operation, ~~manning~~staffing, and maintenance of suitable equipment for ~~fighting~~
1850 ~~fires~~firefighting or performing emergency medical services in or upon the property of the ~~city, town or~~
1851 county, city, or town and of its inhabitants, and to prescribe the terms and conditions upon which the
1852 same will be used for fighting fires or performing emergency medical services in or upon privately
1853 owned property. All equipment purchased after October 1, 1970, shall be equipped with threads of USA
1854 Standard B2.3, B2.4 of the American Standards Association.

1855 B. Any ~~fire/EMS fire~~ department of a ~~city, town, or~~ county, city, or town, or any ~~fire/EMS fire~~
1856 company donating equipment for fighting fires ~~or performing emergency medical services~~ to any
1857 ~~fire/EMS fire~~ department or any ~~fire/EMS fire~~ company, which equipment met existing engineering and
1858 safety standards at the time of its purchase by the donating entity, shall be immune from civil liability
1859 unless the donating entity acted with gross negligence or willful misconduct.

1860 C. A safety inspection ~~must~~ shall be completed by a certified emergency vehicle service center
1861 and a report designating any deficiencies shall be provided prior to the change in ownership of the
1862 donated emergency vehicle.

1863 **§ 27-17. Entry of buildings on fire and premises adjoining.**

1864 The chief of any ~~fire/EMS fire~~ department, or fire company or other authorized officer in
1865 command at a fire or medical emergency, and his subordinates, upon his order or direction, shall have
1866 the right at any time of the day or night to enter any building or upon any premises where a fire ~~or~~

1867 ~~medical emergency~~ is in progress, or any building or premises adjacent thereto for the purpose of
1868 extinguishing the fire ~~or performing emergency medical services~~.

1869 **§ 27-17.1. Remaining on premises after fire extinguished.**

1870 The chief or other authorized officer of any ~~fire/EMS fire~~ department or ~~fire/EMS fire~~ company
1871 in command at a fire ~~or medical emergency~~, and his subordinates upon his order or direction, shall have
1872 the right to remain at the scene of fire ~~or medical emergency~~, including remaining in any building or
1873 house, for purposes of protecting the property and preventing the public from entry into the premises,
1874 until such reasonable time as the owner may resume responsibility for the protection of the property.

1875 **§ 27-20. Destruction of property to prevent spread of fire.**

1876 The chief, ~~director~~, or other officer commanding in his absence, may direct the pulling down or
1877 destroying of any fence, house, or other thing which he may judge necessary to be pulled down or
1878 destroyed, to prevent the further spreading of a fire, and for this purpose may require such assistance
1879 from all present as he shall judge necessary.

1880 **§ 27-21. Owner may recover amount of actual damage.**

1881 The owner of ~~such~~ property destroyed pursuant to § 27-20 shall be entitled to recover from the
1882 ~~city, town or~~ county, city, or town the amount of the actual damage ~~which that~~ he may have sustained by
1883 reason of the same having been pulled down or destroyed under such direction.

1884 **§ 27-23.1. Establishment of fire zones or districts; tax levies.**

1885 The governing bodies of the several cities or counties of ~~this the~~ Commonwealth may create and
1886 establish, by designation on a map of the city or county showing current, official parcel boundaries, or
1887 by any other description which is legally sufficient for the conveyance of property or the creation of
1888 parcels, ~~fire/EMS fire~~ zones or districts in such cities or counties, within which may be located and
1889 established one or more ~~fire/EMS fire~~ departments, to be equipped with apparatus for fighting fires and
1890 protecting property and human life within such zones or districts from loss or damage by fire, illness or
1891 injury.

1892 In the event of the creation of such zones or districts in any city or county, the city or county
1893 governing body may acquire, in the name of the city or county, real or personal property to be devoted

1894 to the uses aforesaid, and shall prescribe rules and regulations for the proper management, control, and
1895 conduct thereof. Such governing body shall also have authority to contract with, or secure the services
1896 of, any individual corporation, organization, or municipal corporation, or any volunteer ~~fire fighters or~~
1897 ~~emergency medical services personnel~~ firefighters for such fire ~~or emergency medical services~~
1898 protection as may be required.

1899 To raise funds for the purposes aforesaid, the governing body of any city or county in which such
1900 zones or districts are established may levy annually a tax on the assessed value of all property real and
1901 personal within such zones or districts, subject to local taxation, which tax shall be extended and
1902 collected as other city or county taxes are extended and collected. However, any property located in
1903 Augusta County that has qualified for an agricultural or forestal use-value assessment pursuant to Article
1904 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1 may not be included within such a zone or district and
1905 may not be subject to such tax. In any city or county having a population between 25,000 and 25,500,
1906 the maximum rate of tax under this section shall be \$0.30 on \$100 of assessed value.

1907 The amount realized from such levy shall be kept separate from all other moneys of the city or
1908 county and shall be applied to no other purpose than the maintenance and operation of the ~~fire/EMS~~ fire
1909 departments and companies established under the provisions of this section.

1910 **§ 27-23.2. Advances by city or county to fire zone or district.**

1911 The governing body of any city or county in ~~this the~~ Commonwealth may advance funds, not
1912 otherwise specifically allocated or obligated, from the general fund to a ~~fire/EMS~~ fire zone or district to
1913 assist the fire zone or district to exercise the powers set forth in § 27-23.1.

1914 **§ 27-23.3. Reimbursement for advances.**

1915 Notwithstanding the provisions of any other law, the governing body shall direct the treasurer to
1916 reimburse the general fund of the city or county from the proceeds of any funds to the credit of the
1917 ~~fire/EMS~~ fire zone or district; not otherwise specifically allocated or obligated to the extent that the city
1918 or county has made advances to the ~~fire/EMS~~ fire zone or district from such general fund to assist the
1919 zone or district to exercise the powers set forth in § 27-23.1.

1920 **§ 27-23.4. Validation of prior advances.**

1921 The advancement of any funds heretofore advanced from the general fund by the governing body
1922 of any city or county in this Commonwealth for the benefit of a ~~fire/EMS fire zone or~~ district in
1923 exercising the lawful powers of such ~~fire/EMS fire zone or~~ district is hereby validated and confirmed.

1924 **§ 27-23.5. Exclusion of certain areas from fire zones or districts and exemption of such**
1925 **areas from certain levies.**

1926 The governing body of any city or county having a ~~fire/EMS fire zone or~~ district created under
1927 the provisions of § 27-23.1, prior to June 1 of any calendar year, may alter the boundaries of such
1928 ~~fire/EMS fire zone or~~ district for the purpose of excluding an area of any such ~~fire/EMS fire zone or~~
1929 district ~~which that~~ is also within the boundaries of a sanitary district providing fire protection ~~or~~
1930 ~~emergency medical~~ services or under contract to a sanitary district providing fire protection ~~or~~
1931 ~~emergency medical~~ services.

1932 Any area excluded from a ~~fire/EMS fire zone or~~ district as provided by this section shall not be
1933 subject to the levy set forth in § 27-23.1 for the year such area is excluded.

1934 **§ 27-23.9. Supervision and control of joint services of fire companies or departments.**

1935 A. Whenever two or more ~~fire/EMS fire~~ companies or ~~fire~~ departments are called to provide joint
1936 services in any district or political subdivision, the commander of the first company ~~or department~~ to
1937 arrive shall have general supervision and control of all such participating companies and departments
1938 until an officer of such district or political subdivision who is otherwise authorized by law to do so ~~shall~~
1939 ~~assume~~assumes such general supervision and control.

1940 B. Whenever one or more fire companies or fire departments and one or more emergency
1941 medical services agencies are called to provide joint services in any district or political subdivision, the
1942 commander of the first fire company or department to arrive shall have general supervision and control
1943 of all such participating fire companies or departments and emergency medical services agencies until
1944 an officer of such district or political subdivision who is otherwise authorized by law to do so assumes
1945 such general supervision and control.

1946 **§ 29.1-355. Disposition of funds.**

1947 All moneys received from the sale of the special stamps shall be paid into the local treasury to
1948 the credit of a special damage stamp fund and identified by the year in which the moneys were collected.

1949 The special fund shall be used for the following purposes:

1950 1. Payment for damages to crops, fruit trees, commercially grown Christmas trees, nursery stock,
1951 livestock, colonies of bees, bee equipment and appliances, as defined in § 3.2-4400, or farm equipment
1952 that is caused by deer, elk, or bear at any time, or by big game hunters during hunting season; and

1953 2. Payment of the actual and necessary costs of the administration of the provisions of this
1954 article, including the printing and distribution of the required stamps and the payment of reasonable fees
1955 to persons designated by a local governing body to inspect, evaluate, and confirm reported claims and
1956 adjust such claims; and

1957 3. In the discretion of the local governing body, payment of the costs of law enforcement directly
1958 related to and incidental to carrying out the provisions of this article and the general game laws of the
1959 Commonwealth; any person compensated to engage in such law-enforcement activities shall be
1960 approved for such employment by the director and appointed to be a special conservation police officer
1961 in accordance with the Board's standards and policies governing such appointment; and

1962 4. In the discretion of the local governing body, administrative expenses related to the special
1963 stamps, support of a county volunteer fire prevention and suppression program when the program
1964 includes ~~fire-fighting~~ firefighting on big game hunting lands open to the public, and support of local
1965 volunteer ~~rescue-squads~~ emergency medical services agencies whose services are available to hunters in
1966 distress. However, the money appropriated from the special damage stamp fund for these purposes shall
1967 not exceed, in the aggregate, in any calendar year, an amount equal to 25 percent of the amount paid into
1968 the special damage stamp fund during the fiscal year or previous calendar year. Once selecting the fiscal
1969 year or previous calendar year, the local governing body must continue to use that selected period of
1970 time in determining the amount of money to be appropriated from the special damage stamp fund.

1971 **§ 29.1-530.4. Duty of certain entities to report hunting incidents.**

1972 Any law-enforcement agency or emergency medical ~~service~~ services provider that receives a
1973 report that a person engaged in hunting as defined in § 29.1-100 has suffered serious bodily injury or
1974 death, shall immediately give notice of the incident to the Department of Game and Inland Fisheries.

1975 **§ 29.1-702. Registration requirements; display of numbers; cancellation of certificate;**
1976 **exemption.**

1977 A. 1. The owner of each motorboat requiring numbering by the Commonwealth shall file an
1978 application for a number with the Department on forms approved by it. The owner of the motorboat or
1979 the owner's agent shall sign the application and pay the following boat registration fee:

- 1980 a. For a motorboat under 16 feet, \$18;
- 1981 b. For a motorboat 16 feet to less than 20 feet, \$22;
- 1982 c. For a motorboat 20 feet to less than 40 feet, \$28;
- 1983 d. For a motorboat 40 feet and over, \$36.

1984 2. Owners, other than manufacturers or dealers, of more than 10 motorboats numbered by the
1985 Commonwealth, shall pay \$18 each for the first 10 such boats and \$12 for each additional boat.

1986 3. Upon receipt of the application in approved form, the Department shall have the application
1987 entered upon the records of its office and issue to the applicant a certificate of number stating the
1988 identification number awarded to the motorboat and the name, address and a social security number or
1989 numbers, or federal tax identification number of the owner or owners. Any certificate issued in
1990 accordance with this chapter shall expire three years from the last day of the month in which it was
1991 issued. Upon proper application and payment of fee, and in the discretion of the Director, the certificate
1992 may be renewed.

1993 B. The owner shall paint on or attach to each side of the bow of the motorboat the identification
1994 number in the manner prescribed by rules and regulations of the Board. The number shall be maintained
1995 in legible condition. The certificate of number shall be pocket-size and shall be available for inspection
1996 on the motorboat for which issued whenever such motorboat is in operation. However, the certificate of
1997 number for any vessel less than 26 feet in length, and leased or rented to another for the lessee's
1998 noncommercial use for less than 24 hours, may be retained on shore by the vessel's owner or his

1999 representative at the place at which the vessel departs and returns to the possession of the owner or his
2000 representative, provided the vessel is appropriately identified as to its owner while in use under such
2001 lease or rental.

2002 C. No number other than the number awarded to a motorboat or granted reciprocity pursuant to
2003 this chapter shall be displayed on either side of the bow of the motorboat.

2004 D. The Department is authorized to cancel and recall any certificate of number issued by the
2005 Department when it appears proper payment has not been made for the certificate of number or when the
2006 certificate has been improperly or erroneously issued.

2007 E. Any motorboat purchased and used by a nonprofit volunteer ~~rescue squad~~ emergency medical
2008 services agency or volunteer fire department shall be exempt from the registration fees imposed by
2009 subsection A ~~of this section~~.

2010 **§ 29.1-733.7. Application for certificate of title.**

2011 A. Except as otherwise provided in § 29.1-733.10, 29.1-733.15, 29.1-733.19, 29.1-733.20, 29.1-
2012 733.21, or 29.1-733.22, only an owner may apply for a certificate of title.

2013 B. An application for a certificate of title shall be signed by the applicant and contain:

2014 1. The applicant's name, the street address of the applicant's principal residence, and, if different,
2015 the applicant's mailing address;

2016 2. The name and mailing address of each other owner of the watercraft at the time of application;

2017 3. The motor vehicle driver's license number, social security number, or taxpayer identification
2018 number of each owner;

2019 4. The hull identification number for the watercraft or, if none, an application for the issuance of
2020 a hull identification number for the watercraft;

2021 5. If numbering is required pursuant to § 29.1-703, the registration number for the watercraft or,
2022 if none has been issued by the Department, an application for a registration number pursuant to § 29.1-
2023 702;

2024 6. A description of the watercraft as required by the Department, which shall include:

2025 a. The official number for the watercraft, if any, assigned by the U.S. Coast Guard;

- 2026 b. The name of the manufacturer, builder, or maker;
- 2027 c. The model year or the year in which the manufacture or build of the watercraft was completed;
- 2028 d. The overall length of the watercraft;
- 2029 e. The watercraft type;
- 2030 f. The hull material;
- 2031 g. The propulsion type;
- 2032 h. The engine drive type, if any;
- 2033 i. The motor identification, including manufacturer's name and serial number, except on motors
- 2034 of 25 horsepower or less; and
- 2035 j. The fuel type, if any;
- 2036 7. An indication of all security interests in the watercraft known to the applicant and the name
- 2037 and mailing address of each secured party;
- 2038 8. A statement that the watercraft is not a documented vessel or a foreign-documented vessel;
- 2039 9. Any title brand known to the applicant and, if known, the jurisdiction under whose law the
- 2040 title brand was created;
- 2041 10. If the applicant knows that the watercraft is hull damaged, a statement that the watercraft is
- 2042 hull damaged;
- 2043 11. If the application is made in connection with a transfer of ownership, the transferor's name,
- 2044 street address and, if different, mailing address, the sales price, if any, and the date of the transfer; and
- 2045 12. If the watercraft previously was registered or titled in another jurisdiction, a statement
- 2046 identifying each jurisdiction known to the applicant in which the watercraft was registered or titled.
- 2047 C. In addition to the information required by subsection B, an application for a certificate of title
- 2048 may contain an electronic communication address of the owner, transferor, or secured party.
- 2049 D. Except as otherwise provided in § 29.1-733.19, 29.1-733.20, 29.1-733.21, or 29.1-733.22, an
- 2050 application for a certificate of title shall be accompanied by:
- 2051 1. A certificate of title that is signed by the owner shown on the certificate and that:
- 2052 a. Identifies the applicant as the owner of the watercraft; or

2053 b. Is accompanied by a record that identifies the applicant as the owner; or
2054 2. If there is no certificate of title:
2055 a. If the watercraft was a documented vessel, a record issued by the U.S. Coast Guard that shows
2056 that the watercraft is no longer a documented vessel and identifies the applicant as the owner;
2057 b. If the watercraft was a foreign-documented vessel, a record issued by the foreign country that
2058 shows that the watercraft is no longer a foreign-documented vessel and identifies the applicant as the
2059 owner; or
2060 c. In all other cases, a certificate of origin, bill of sale, or other record that to the satisfaction of
2061 the Department identifies the applicant as the owner. Issuance of registration under the provisions of §
2062 29.1-702 is prima facie evidence of ownership of a watercraft and entitlement to a certificate of title
2063 under the provisions of this article.
2064 E. A record submitted in connection with an application is part of the application. The
2065 Department shall maintain the record in its files.
2066 F. The Department shall require that an application for a certificate of title be accompanied by
2067 payment or evidence of payment of all fees and taxes payable by the applicant under law of the
2068 Commonwealth other than this article in connection with the application or the acquisition or use of the
2069 watercraft. The Department shall charge \$7 for issue of each certificate of title, transfer of title, or for
2070 the recording of a supplemental lien. The Department shall charge \$2 for the issuance of each duplicate
2071 title or for changes to a previously issued certificate of title that are made necessary by a change of the
2072 motor on the watercraft. Any watercraft purchased and used by a nonprofit volunteer ~~rescue squad~~
2073 emergency medical services agency shall be exempt from the fees imposed under this section.
2074 G. The application shall be on forms prescribed and furnished by the Department and shall
2075 contain any other information required by the Director.
2076 H. Whenever any person, after applying for or obtaining the certificate of title of a watercraft,
2077 moves from the address shown in the application or upon the certificate of title, he shall, within 30 days,
2078 notify the Department in writing of his change of address. A fee of \$7 shall be imposed upon anyone
2079 failing to comply with this subsection within the time prescribed.

2080 **§ 32.1-45.1. Deemed consent to testing and release of test results related to infection with**
2081 **human immunodeficiency virus or hepatitis B or C viruses.**

2082 A. Whenever any health care provider, or any person employed by or under the direction and
2083 control of a health care provider, is directly exposed to body fluids of a patient in a manner that may,
2084 according to the then current guidelines of the Centers for Disease Control and Prevention, transmit
2085 human immunodeficiency virus or hepatitis B or C viruses, the patient whose body fluids were involved
2086 in the exposure shall be deemed to have consented to testing for infection with human
2087 immunodeficiency virus or hepatitis B or C viruses. Such patient shall also be deemed to have consented
2088 to the release of such test results to the person who was exposed. In other than emergency situations, it
2089 shall be the responsibility of the health care provider to inform patients of this provision prior to
2090 providing them with health care services which create a risk of such exposure.

2091 B. Whenever any patient is directly exposed to body fluids of a health care provider, or of any
2092 person employed by or under the direction and control of a health care provider, in a manner that may,
2093 according to the then current guidelines of the Centers for Disease Control and Prevention, transmit
2094 human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved
2095 in the exposure shall be deemed to have consented to testing for infection with human
2096 immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented
2097 to the release of such test results to the patient who was exposed.

2098 C. For the purposes of this section, "health care provider" means any person, facility or agency
2099 licensed or certified to provide care or treatment by the Department of Health, Department of Behavioral
2100 Health and Developmental Services, Department of Rehabilitative Services, or the Department of Social
2101 Services, any person licensed or certified by a health regulatory board within the Department of Health
2102 Professions except for the Boards of Funeral Directors and Embalmers and Veterinary Medicine or any
2103 personal care agency contracting with the Department of Medical Assistance Services.

2104 D. "Health care provider," as defined in subsection C ~~of this section~~, shall be deemed to include
2105 any person who renders emergency care or assistance, without compensation and in good faith, at the
2106 scene of an accident, fire, or any life-threatening emergency, or while en route therefrom to any hospital,

2107 medical clinic or doctor's office during the period while rendering such emergency care or assistance.
2108 The Department of Health shall provide appropriate counseling and opportunity for face-to-face
2109 disclosure of any test results to any such person.

2110 E. Whenever any law-enforcement officer, salaried or volunteer firefighter, ~~paramedic~~ or salaried
2111 or volunteer emergency medical ~~technician services provider~~ is directly exposed to body fluids of a
2112 person in a manner that may, according to the then current guidelines of the Centers for Disease Control
2113 and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose
2114 body fluids were involved in the exposure shall be deemed to have consented to testing for infection
2115 with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to
2116 have consented to the release of such test results to the person who was exposed.

2117 F. Whenever a person is directly exposed to the body fluids of a law-enforcement officer,
2118 salaried or volunteer firefighter, ~~paramedic~~ or salaried or volunteer emergency medical ~~technician~~
2119 services provider in a manner that may, according to the then current guidelines of the Centers for
2120 Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the
2121 person whose body fluids were involved in the exposure shall be deemed to have consented to testing
2122 for infection with human immunodeficiency virus or hepatitis B or C viruses. The law-enforcement
2123 officer, salaried or volunteer firefighter, ~~paramedic~~ or salaried or volunteer emergency medical
2124 ~~technician services provider~~ shall also be deemed to have consented to the release of such test results to
2125 the person who was exposed.

2126 G. For the purposes of this section, "law-enforcement officer" means a person who is both (i)
2127 engaged in his public duty at the time of such exposure and (ii) employed by any sheriff's office, any
2128 adult or youth correctional facility, or any state or local law-enforcement agency, or any agency or
2129 department under the direction and control of the Commonwealth or any local governing body that
2130 employs persons who have law-enforcement authority.

2131 H. Whenever any school board employee is directly exposed to body fluids of any person in a
2132 manner that may, according to the then current guidelines of the Centers for Disease Control and
2133 Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body

2134 fluids were involved in the exposure shall be deemed to have consented to testing for infection with
2135 human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have
2136 consented to the release of such test results to the school board employee who was exposed. In other
2137 than emergency situations, it shall be the responsibility of the school board employee to inform the
2138 person of this provision prior to the contact that creates a risk of such exposure.

2139 I. Whenever any person is directly exposed to the body fluids of a school board employee in a
2140 manner that may, according to the then current guidelines of the Centers for Disease Control and
2141 Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the school board
2142 employee whose body fluids were involved in the exposure shall be deemed to have consented to testing
2143 for infection with human immunodeficiency virus or hepatitis B or C viruses. The school board
2144 employee shall also be deemed to have consented to the release of such test results to the person.

2145 J. For the purposes of this section, "school board employee" means a person who is both (i)
2146 acting in the course of employment at the time of such exposure and (ii) employed by any local school
2147 board in the Commonwealth.

2148 K. For purposes of this section, if the person whose blood specimen is sought for testing is a
2149 minor, and that minor refuses to provide such specimen, consent for obtaining such specimen shall be
2150 obtained from the parent, guardian, or person standing in loco parentis of such minor prior to initiating
2151 such testing. If the parent or guardian or person standing in loco parentis withholds such consent, or is
2152 not reasonably available, the person potentially exposed to the human immunodeficiency virus or
2153 hepatitis B or C viruses, or the employer of such person, may petition the juvenile and domestic
2154 relations district court in the county or city where the minor resides or resided, or, in the case of a
2155 nonresident, the county or city where the health care provider, law-enforcement agency or school board
2156 has its principal office or, in the case of a health care provider rendering emergency care pursuant to
2157 subsection D, the county or city where the exposure occurred, for an order requiring the minor to
2158 provide a blood specimen or to submit to testing and to disclose the test results in accordance with this
2159 section.

2160 L. Except as provided in subsection K, if the person whose blood specimen is sought for testing
2161 refuses to provide such specimen, any person potentially exposed to the human immunodeficiency virus
2162 or hepatitis B or C viruses, or the employer of such person, may petition the general district court of the
2163 county or city in which the person whose specimen is sought resides or resided, or, in the case of a
2164 nonresident, the county or city where the health care provider, law-enforcement agency or school board
2165 has its principal office or, in the case of a health care provider rendering emergency care pursuant to
2166 subsection D, the county or city where the exposure occurred, for an order requiring the person to
2167 provide a blood specimen or to submit to testing and to disclose the test results in accordance with this
2168 section. At any hearing before the court, the person whose specimen is sought or his counsel may
2169 appear. The court shall be advised by the Commissioner or his designee prior to entering any testing
2170 order. If a testing order is issued, both the petitioner and the person from whom the blood specimen is
2171 sought shall receive counseling and opportunity for face-to-face disclosure of any test results by a
2172 licensed practitioner or trained counselor.

2173 **§ 32.1-46.02. Administration of influenza vaccine to minors.**

2174 The Board shall, together with the Board of Nursing and by August 31, 2009, develop and issue
2175 guidelines for the administration of influenza vaccine to minors by licensed pharmacists, registered
2176 nurses, licensed practical nurses, ~~certified emergency medical technicians intermediate~~, or emergency
2177 medical ~~technicians paramedic services providers who hold an emergency medical technician~~
2178 intermediate or emergency medical technician paramedic certification issued by the Commissioner
2179 pursuant to § 54.1-3408. Such guidelines shall require the consent of the minor's parent, guardian, or
2180 person standing in loco parentis; and shall be consistent with applicable guidelines developed by the
2181 Centers for Disease Control and Prevention.

2182 **§ 32.1-111.1. Definitions.**

2183 As used in this article:

2184 "Advisory Board" means the State Emergency Medical Services Advisory Board.

2185 ~~"Agency" means any person engaged in the business, service or regular activity, whether or not~~
2186 ~~for profit, of transporting persons who are sick, injured, wounded or otherwise incapacitated or helpless,~~
2187 ~~or of rendering immediate medical care to such persons.~~

2188 ~~"Ambulance" means any vehicle, vessel or aircraft, which holds a valid permit issued by the~~
2189 ~~Office of Emergency Medical Services, that is specially constructed, equipped, maintained and operated,~~
2190 ~~and is intended to be used for emergency medical care and the transportation of patients who are sick,~~
2191 ~~injured, wounded, or otherwise incapacitated or helpless. The word "ambulance" may not appear on any~~
2192 ~~vehicle, vessel or aircraft that does not hold a valid permit.~~

2193 "Automated external defibrillator" means a medical device which combines a heart monitor and
2194 defibrillator and (i) has been approved by the United States Food and Drug Administration, (ii) is
2195 capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular
2196 tachycardia, (iii) is capable of determining, without intervention by an operator, whether defibrillation
2197 should be performed, and (iv) automatically charges and requests delivery of an electrical impulse to an
2198 individual's heart, upon determining that defibrillation should be performed.

2199 ~~"Emergency medical services" or "EMS" means health care, public health, and public safety~~
2200 ~~services used in the medical response to the real or perceived need for immediate medical assessment,~~
2201 ~~care, or transportation and preventive care or transportation in order to prevent loss of life or aggravation~~
2202 ~~of physiological or psychological illness or injury.~~

2203 ~~"Emergency medical services agency" or "EMS agency" means any person engaged in the~~
2204 ~~business, service, or regular activity, whether for profit or not, of rendering immediate medical care and~~
2205 ~~providing transportation to persons who are sick, injured, wounded, or otherwise incapacitated or~~
2206 ~~helpless and that holds a valid license as an emergency medical services agency issued by the~~
2207 ~~Commissioner in accordance with § 32.1-111.6.~~

2208 ~~"Emergency medical services personnel" or "EMS personnel" means persons responsible for the~~
2209 ~~direct provision of emergency medical services in a given medical emergency including all persons who~~
2210 ~~could be described as attendants, attendants-in-charge, or operators individuals who are employed by or~~
2211 ~~members of an emergency medical services agency and who provide emergency medical services~~

2212 pursuant to an emergency medical services agency license issued to that agency by the Commissioner
2213 and in accordance with the authorization of that agency's operational medical director.

2214 "Emergency medical services physician" or "EMS physician" means a physician who holds a
2215 current endorsement from the Office of Emergency Medical Services (EMS) and may serve as an EMS
2216 agency operational medical director or training program physician course director.

2217 "Emergency medical services provider" or "EMS provider" means ~~a~~ any person who holds a
2218 valid ~~certification~~ certificate as an emergency medical services provider issued by the ~~Office of~~
2219 Emergency Medical Services Commissioner.

2220 "Emergency medical services system" or "EMS system" means the system of emergency medical
2221 services agencies, vehicles, equipment, and personnel; health care facilities; other health care and
2222 emergency services providers; and other components engaged in the planning, coordination, and
2223 delivery of emergency medical services in the Commonwealth, including individuals and facilities
2224 providing communication and other services necessary to facilitate the delivery of emergency medical
2225 services in the Commonwealth.

2226 "Emergency medical services vehicle" means any vehicle, vessel, or aircraft, ~~or ambulance~~ that
2227 holds a valid emergency medical services vehicle permit issued by the Office of Emergency Medical
2228 Services that is equipped, maintained, or operated to provide emergency medical care or transportation
2229 of patients who are sick, injured, wounded, or otherwise incapacitated or helpless.

2230 "Office of Emergency Medical Services" means the Office of Emergency Medical Services of
2231 the Department.

2232 "Operational medical director" or "OMD" means an EMS physician, currently licensed to
2233 practice medicine or osteopathic medicine in the Commonwealth, who is formally recognized and
2234 responsible for providing medical direction, oversight, and quality improvement to an EMS agency.

2235 **§ 32.1-111.2. Exemptions from provisions of this article.**

2236 The following entities are exempted from the provisions of this article:

- 2237 1. Emergency medical ~~service~~ services agencies based outside the Commonwealth, except that
2238 any such agency receiving a person who is sick, injured, wounded, incapacitated, or helpless within the

2239 Commonwealth for transportation to a location within the Commonwealth shall comply with the
2240 provisions of this article;

2241 2. Emergency medical ~~serviee~~ services agencies operated by the United States government; and

2242 3. Wheelchair interfacility transport services and wheelchair interfacility transport service
2243 vehicles that are engaged, whether or not for profit, in the business, service, or regular activity of and
2244 exclusively used for transporting wheelchair bound passengers between medical facilities in the
2245 Commonwealth when no ancillary medical care or oversight is necessary. However, such services and
2246 vehicles shall comply with Department of Medical Assistance Services regulations regarding the
2247 transportation of Medicaid recipients to covered services.

2248 **§ 32.1-111.3. Statewide Emergency Medical Services Plan; Trauma Triage Plan; Stroke**
2249 **Triage Plan.**

2250 A. The Board of Health shall develop a Statewide Emergency Medical Services Plan that shall
2251 provide for a comprehensive, coordinated, emergency medical ~~care~~ services system in the
2252 Commonwealth and ~~prepare a Statewide Emergency Medical Services Plan which shall incorporate, but~~
2253 ~~not be limited to, the plans prepared by the regional emergency medical services councils. The Board~~
2254 shall review, update, and publish the Plan triennially, making such revisions as may be necessary to
2255 improve the effectiveness and efficiency of the Commonwealth's emergency medical ~~care~~ services
2256 system. The Plan shall incorporate the regional emergency medical services plans prepared by the
2257 regional emergency medical services councils pursuant to § 32.1-111.4:2. Publishing through electronic
2258 means and posting on the Department website shall satisfy the publication requirement. The objectives
2259 of such Plan and the emergency medical services system shall include, but not be limited to, the
2260 following:

2261 1. Establishing a comprehensive statewide emergency medical ~~care~~ services system,
2262 incorporating facilities, transportation, manpower, communications, and other components as integral
2263 parts of a unified system that will serve to improve the delivery of emergency medical services and
2264 thereby decrease morbidity, hospitalization, disability, and mortality;

- 2265 2. Reducing the time period between the identification of an acutely ill or injured patient and the
2266 definitive treatment;
- 2267 3. Increasing the accessibility of high quality emergency medical services to all citizens of
2268 Virginia;
- 2269 4. Promoting continuing improvement in system components including ground, water, and air
2270 transportation; communications; hospital emergency departments and other emergency medical care
2271 facilities; health care provider training and health care service delivery; and consumer health
2272 information and education, ~~and health manpower and manpower training;~~
- 2273 5. Ensuring performance improvement of the ~~Emergency Medical Services~~ emergency medical
2274 services system and emergency medical services and care delivered on scene, in transit, in hospital
2275 emergency departments, and within the hospital environment;
- 2276 6. Working with professional medical organizations, hospitals, and other public and private
2277 agencies in developing approaches whereby the many persons who are presently using the existing
2278 emergency department for routine, nonurgent, primary medical care will be served more appropriately
2279 and economically;
- 2280 7. Conducting, promoting, and encouraging programs of education and training designed to
2281 upgrade the knowledge and skills of ~~health manpower involved in~~ emergency medical services
2282 personnel, including expanding the availability of paramedic and advanced life support training
2283 throughout the Commonwealth with particular emphasis on regions underserved by emergency medical
2284 services personnel having such skills and training;
- 2285 8. Consulting with and reviewing, with agencies and organizations, the development of
2286 applications to governmental or other sources for grants or other funding to support emergency medical
2287 services programs;
- 2288 9. Establishing a statewide air medical evacuation system which shall be developed by the
2289 Department of Health in coordination with the Department of State Police and other appropriate state
2290 agencies;

- 2291 10. Establishing and maintaining a process for designation of appropriate hospitals as trauma
2292 centers and specialty care centers based on an applicable national evaluation system;
- 2293 11. Maintaining a comprehensive emergency medical services patient care data collection and
2294 performance improvement system pursuant to Article 3.1 (§ 32.1-116.1 et seq.);
- 2295 12. Collecting data and information and preparing reports for the sole purpose of the designation
2296 and verification of trauma centers and other specialty care centers pursuant to this section. All data and
2297 information collected shall remain confidential and shall be exempt from the provisions of the Virginia
2298 Freedom of Information Act (§ 2.2-3700 et seq.);
- 2299 13. Establishing and maintaining a process for crisis intervention and peer support services for
2300 emergency medical services personnel and public safety personnel, including statewide availability and
2301 accreditation of critical incident stress management teams;
- 2302 14. Establishing a statewide program of emergency medical services for children ~~program~~ to
2303 provide coordination and support for emergency pediatric care, availability of pediatric emergency
2304 medical care equipment, and pediatric training of ~~medical health~~ care providers;
- 2305 15. Establishing and supporting a statewide system of health and medical emergency response
2306 teams, including emergency medical services disaster task forces, coordination teams, disaster medical
2307 assistance teams, and other support teams that shall assist local emergency medical services agencies at
2308 their request during mass casualty, disaster, or whenever local resources are overwhelmed;
- 2309 16. Establishing and maintaining a program to improve dispatching of emergency medical
2310 services personnel and vehicles, including establishment of and support for emergency medical services
2311 dispatch training, accreditation of 911 dispatch centers, and public safety answering points;
- 2312 17. Identifying and establishing best practices for managing and operating emergency medical
2313 services agencies, improving and managing emergency medical services response times, and
2314 disseminating such information to the appropriate persons and entities;
- 2315 18. Ensuring that the Department of Criminal Justice Services and the Virginia Criminal Injuries
2316 Compensation Fund shall be contacted immediately to deploy assistance in the event there are victims as
2317 defined in § 19.2-11.01, and that the Department of Criminal Justice Services and the Virginia Criminal

2318 Injuries Compensation Fund become the lead coordinating agencies for those individuals determined to
2319 be victims; and

2320 19. Maintaining current contact information for both the Department of Criminal Justice Services
2321 and the Virginia Criminal Injuries Compensation Fund.

2322 B. The Board of Health shall also develop and maintain as a component of the Emergency
2323 Medical Services Plan a statewide prehospital and interhospital Trauma Triage Plan designed to promote
2324 rapid access for pediatric and adult trauma patients to appropriate, organized trauma care through the
2325 publication and regular updating of information on resources for trauma care and generally accepted
2326 criteria for trauma triage and appropriate transfer. The Trauma Triage Plan shall include:

2327 1. A strategy for maintaining the statewide Trauma Triage Plan through ~~formal development of~~
2328 regional trauma triage plans that ~~incorporate each take into account the~~ region's geographic variations
2329 and trauma care capabilities and resources, including hospitals designated as trauma centers pursuant to
2330 subsection A ~~and inclusion of such regional plans in the statewide Trauma Triage Plan~~. The regional
2331 trauma triage plans shall be reviewed triennially. Plans should ensure that the Department of Criminal
2332 Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately
2333 to deploy assistance in the event there are victims as defined in § 19.2-11.01, and that the Department of
2334 Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund become the lead
2335 coordinating agencies for those individuals determined to be victims; and maintain current contact
2336 information for both the Department of Criminal Justice Services and the Virginia Criminal Injuries
2337 Compensation Fund.

2338 2. A uniform set of proposed criteria for prehospital and interhospital triage and transport of
2339 trauma patients developed by the ~~Emergency Medical Services~~ Advisory Board, in consultation with the
2340 Virginia Chapter of the American College of Surgeons, the Virginia College of Emergency Physicians,
2341 the Virginia Hospital and Healthcare Association, and prehospital care providers. The ~~Emergency~~
2342 ~~Medical Services~~ Advisory Board may revise such criteria from time to time to incorporate accepted
2343 changes in medical practice or to respond to needs indicated by analyses of data on patient outcomes.
2344 Such criteria shall be used as a guide and resource for health care providers and are not intended to

2345 establish, in and of themselves, standards of care or to abrogate the requirements of § 8.01-581.20. A
2346 decision by a health care provider to deviate from the criteria shall not constitute negligence per se.

2347 3. A performance improvement program for monitoring the quality of ~~care~~ emergency medical
2348 services and trauma services, consistent with other components of the Emergency Medical Services
2349 Plan. The program shall provide for collection and analysis of data on emergency medical and trauma
2350 services from existing validated sources, including ~~but not limited to~~ the emergency medical services
2351 patient care information system, pursuant to Article 3.1 (§ 32.1-116.1 et seq.), the Patient Level Data
2352 System, and mortality data. The ~~Emergency Medical Services~~ Advisory Board shall review and analyze
2353 such data on a quarterly basis and report its findings to the Commissioner. The ~~Emergency Medical~~
2354 ~~Services~~ Advisory Board may execute these duties through a committee composed of persons having
2355 expertise in critical care issues and representatives of emergency medical services providers. The
2356 program for monitoring and reporting the results of emergency medical services and trauma services
2357 data analysis shall be the sole means of encouraging and promoting compliance with the trauma triage
2358 criteria.

2359 The Commissioner shall report aggregate findings of the analysis annually to each regional
2360 emergency medical services council. The report shall be available to the public and shall identify,
2361 minimally, as defined in the statewide plan, the frequency of (i) incorrect triage in comparison to the
2362 total number of trauma patients delivered to a hospital prior to pronouncement of death and (ii) incorrect
2363 interfacility transfer for each region.

2364 The ~~Emergency Medical Services~~ Advisory Board or its designee shall ensure that each hospital
2365 director or emergency medical services ~~director~~ agency chief is informed of any incorrect interfacility
2366 transfer or triage, as defined in the statewide ~~plan~~ Trauma Triage Plan, specific to the ~~provider~~ hospital
2367 or agency and shall give the ~~provider~~ hospital or agency an opportunity to correct any facts on which
2368 such determination is based, if the ~~provider~~ hospital or agency asserts that such facts are inaccurate. The
2369 findings of the report shall be used to improve the Trauma Triage Plan, including triage, and transport
2370 and trauma center designation criteria.

2371 The Commissioner shall ensure the confidentiality of patient information, in accordance with §
2372 32.1-116.2. Such data or information in the possession of or transmitted to the Commissioner, the
2373 ~~Emergency Medical Services~~ Advisory Board, any committee acting on behalf of the ~~Emergency~~
2374 ~~Medical Services~~ Advisory Board, any hospital or prehospital care provider, any regional emergency
2375 medical services council, ~~licensed~~ emergency medical services agency that holds a valid license issued
2376 by the Commissioner, or group or committee established to monitor the quality of ~~care~~ emergency
2377 medical services or trauma services pursuant to this subdivision, or any other person shall be privileged
2378 and shall not be disclosed or obtained by legal discovery proceedings, unless a circuit court, after a
2379 hearing and for good cause shown arising from extraordinary circumstances, orders disclosure of such
2380 data.

2381 C. The Board ~~of Health~~ shall also develop and maintain as a component of the Statewide
2382 Emergency Medical Services Plan a statewide prehospital and interhospital Stroke Triage Plan designed
2383 to promote rapid access for stroke patients to appropriate, organized stroke care through the publication
2384 and regular updating of information on resources for stroke care and generally accepted criteria for
2385 stroke triage and appropriate transfer. The Stroke Triage Plan shall include:

2386 1. A strategy for maintaining the statewide Stroke Triage Plan through ~~formal development of~~
2387 regional stroke triage plans that ~~incorporate each~~ take into account the region's geographic variations and
2388 stroke care capabilities and resources, including hospitals designated as "primary stroke centers" through
2389 certification by the Joint Commission or a comparable process consistent with the recommendations of
2390 the Brain Attack Coalition, and inclusion of such regional plans in the statewide Stroke Triage Plan. The
2391 regional stroke triage plans shall be reviewed triennially.

2392 2. A uniform set of proposed criteria for prehospital and interhospital triage and transport of
2393 stroke patients developed by the ~~Emergency Medical Services~~ Advisory Board, in consultation with the
2394 American Stroke Association, the Virginia College of Emergency Physicians, the Virginia Hospital and
2395 Healthcare Association, and prehospital care providers. The Board ~~of Health~~ may revise such criteria
2396 from time to time to incorporate accepted changes in medical practice or to respond to needs indicated
2397 by analyses of data on patient outcomes. Such criteria shall be used as a guide and resource for health

2398 care providers and are not intended to establish, in and of themselves, standards of care or to abrogate
2399 the requirements of § 8.01-581.20. A decision by a health care provider to deviate from the criteria shall
2400 not constitute negligence per se.

2401 D. Whenever any state-owned aircraft, vehicle, or other form of conveyance is utilized under the
2402 provisions of this section, an appropriate amount not to exceed the actual costs of operation may be
2403 charged by the agency having administrative control of such aircraft, vehicle, or other form of
2404 conveyance.

2405 **§ 32.1-111.4. Regulations; emergency medical services personnel and vehicles; response**
2406 **times; enforcement provisions; civil penalties.**

2407 A. The ~~State~~ Board of ~~Health~~ shall prescribe by regulation:

2408 1. Requirements for record keeping, supplies, operating procedures, and other emergency
2409 medical services agency operations;

2410 2. Requirements for the sanitation and maintenance of emergency medical services vehicles and
2411 their medical supplies and equipment;

2412 3. Procedures, including the requirements for forms, to authorize qualified emergency medical
2413 services personnel to follow Do Not Resuscitate Orders pursuant to § 54.1-2987.1;

2414 4. Requirements for the composition, administration, duties, and responsibilities of the ~~State~~
2415 ~~Emergency Medical Services~~ Advisory Board;

2416 5. Requirements, developed in consultation with the ~~Emergency Medical Services~~ Advisory
2417 Board, governing the training, certification, and recertification of emergency medical services personnel;

2418 6. Requirements for written notification to the ~~State Emergency Medical Services~~ Advisory
2419 Board, the ~~State~~ Office of Emergency Medical Services, and the Financial Assistance and Review

2420 Committee of the Board's action, and the reasons therefor, on requests and recommendations of the
2421 Advisory Board, the ~~State~~ Office of Emergency Medical Services, or the Financial Assistance and

2422 Review Committee, no later than five ~~workdays~~ business days after reaching its decision, specifying
2423 whether the Board has approved, denied, or not acted on such requests and recommendations;

2424 7. Authorization procedures, developed in consultation with the ~~Emergency Medical Services~~
2425 Advisory Board, ~~which that~~ allow the possession and administration of epinephrine or a medically
2426 accepted equivalent for emergency cases of anaphylactic shock by certain levels of certified emergency
2427 medical services personnel as authorized by § 54.1-3408 and authorization procedures that allow the
2428 possession and administration of oxygen with the authority of the local operational medical director and
2429 ~~a licensed an~~ emergency medical services agency that holds a valid license issued by the Commissioner;

2430 8. A uniform definition of "response time" and requirements, developed in consultation with the
2431 ~~Emergency Medical Services~~ Advisory Board, for each emergency medical services agency to measure
2432 response times starting from the time a call for emergency medical ~~care services~~ is received until ~~(i)~~ the
2433 time ~~an (i)~~ appropriate emergency medical ~~response unit is~~ services personnel are responding and (ii) ~~the~~
2434 appropriate emergency medical ~~response unit arrives~~ services personnel arrive on the scene, and
2435 requirements for emergency medical services agencies to collect and report such data to the Director of
2436 the Office of Emergency Medical Services, who shall compile such information and make it available to
2437 the public, upon request; and

2438 9. Enforcement provisions, including, but not limited to, civil penalties that the Commissioner
2439 may assess against any emergency medical services agency or other entity found to be in violation of
2440 any of the provisions of this article or any regulation promulgated under this article. All amounts paid as
2441 civil penalties for violations of this article or regulations promulgated pursuant thereto shall be paid into
2442 the state treasury and shall be deposited in the emergency medical services special fund established
2443 pursuant to § 46.2-694, to be used only for emergency medical services purposes.

2444 B. The Board shall classify emergency medical services agencies and emergency medical
2445 services vehicles by type of service rendered and shall specify the medical equipment, the supplies, the
2446 vehicle specifications, and the emergency medical services personnel required for each classification.

2447 C. In formulating its regulations, the Board shall consider the current Minimal Equipment List
2448 for Ambulances adopted by the Committee on Trauma of the American College of Surgeons.

2449 § 32.1-111.4:1. State Emergency Medical Services Advisory Board; purpose; membership;
2450 duties; reimbursement of expenses; staff support.

2451 A. There is hereby created in the executive branch the State Emergency Medical Services
2452 Advisory Board for the purpose of advising the Board concerning the administration of the statewide
2453 emergency medical services system and emergency medical services vehicles maintained and operated
2454 to provide transportation to persons requiring emergency medical treatment and for reviewing and
2455 making recommendations on the Statewide Emergency Medical Services Plan. The Advisory Board
2456 shall be composed of 28 members appointed by the Governor as follows: one representative each from
2457 the Virginia Municipal League, Virginia Association of Counties, Virginia Hospital and Healthcare
2458 Association, and each of the 11 regional emergency medical services councils; one member each from
2459 the Medical Society of Virginia, Virginia Chapter of the American College of Emergency Physicians,
2460 Virginia Chapter of the American College of Surgeons, Virginia Chapter of the American Academy of
2461 Pediatrics, Emergency Nurses Association or the Virginia Nurses' Association, Virginia State
2462 Firefighters Association, Virginia Fire Chiefs Association, Virginia Ambulance Association, Virginia
2463 Association of Governmental Emergency Medical Services Administrators, and Virginia Association of
2464 Public Safety Communications Officials; two representatives of the Virginia Association of Volunteer
2465 Rescue Squads, Inc.; one Virginia professional firefighter; and one consumer who shall not be involved
2466 in or affiliated with emergency medical services in any capacity. Each organization and group shall
2467 submit three nominees from among which the Governor may make appointments. Of the three nominees
2468 submitted by each of the regional emergency medical services councils, at least one nominee shall be a
2469 representative of providers of prehospital care. Any person appointed to the Advisory Board shall be a
2470 member of the organization that he represents. To ensure diversity in the organizations and groups
2471 represented on the Advisory Board, the Governor may request additional nominees from the applicable
2472 organizations and groups. However, the Governor shall not be bound to make any appointment from
2473 among any nominees recommended by such organizations and groups.

2474 The members of the Advisory Board shall not be eligible to receive compensation; however, the
2475 Department shall provide funding for the reimbursement of expenses incurred by members of the
2476 Advisory Board in the performance of their duties.

2477 B. Appointments shall be staggered as follows: nine members for a term of two years, nine
2478 members for a term of three years, and 10 members for a term of four years. Thereafter, appointments
2479 shall be for terms of three years, except an appointment to fill a vacancy, which shall be for the
2480 unexpired term. Appointments shall be in a manner to preserve insofar as possible the representation of
2481 the specified groups. No member shall serve more than two successive terms. No person representing
2482 any organization or group named in subsection A who has served as a member of the Advisory Board
2483 for two or more successive terms for any period or for six or more consecutive years shall be nominated
2484 for appointment or appointed to the Advisory Board unless at least three consecutive years have elapsed
2485 since the person has served on the Advisory Board.

2486 The chairman shall be elected from the membership of the Advisory Board for a term of one year
2487 and shall be eligible for reelection. The Advisory Board shall meet at least four times annually at the call
2488 of the chairman or the Commissioner.

2489 C. The Advisory Board shall:

2490 1. Advise the Board on the administration of this article;

2491 2. Review and make recommendations for the Statewide Emergency Medical Services Plan and
2492 any revisions thereto; and

2493 3. Review, on a schedule as it may determine, reports on the status of all aspects of the statewide
2494 emergency medical services system, including the Financial Assistance and Review Committee, the
2495 Rescue Squad Assistance Fund, the regional emergency medical services councils, and the emergency
2496 medical services vehicles, submitted by the Office of Emergency Medical Services.

2497 D. The Advisory Board shall establish an Advisory Board Executive Committee to assist in the
2498 work of the Advisory Board. The Advisory Board Executive Committee shall, in addition to those duties
2499 of the Advisory Board Executive Committee established by the Advisory Board, review the annual
2500 financial report of the Virginia Association of Volunteer Rescue Squads, as required by § 32.1-111.13.

2501 E. The Office of Emergency Medical Services shall provide staff support to the Advisory Board.
2502 § 32.1-111.4:2. Regional emergency medical services councils.

2503 The Board shall designate regional emergency medical services councils that shall be authorized
2504 to receive and disburse public funds. Each such council shall be charged with the development and
2505 implementation of an efficient and effective regional emergency medical services delivery system.

2506 The Board shall review those agencies that were the designated regional emergency medical
2507 services councils. The Board shall, in accordance with the standards established in its regulations,
2508 review and may renew or deny applications for such designations every three years. In its discretion, the
2509 Board may establish conditions for renewal of such designations or may solicit applications for
2510 designation as a regional emergency medical services council.

2511 Each regional emergency medical services council shall include, if available, representatives of
2512 the participating local governments, fire protection agencies, law-enforcement agencies, emergency
2513 medical services agencies, hospitals, licensed practicing physicians, emergency care nurses, mental
2514 health professionals, emergency medical services personnel, and other appropriate allied health
2515 professionals.

2516 Each regional emergency medical services council shall adopt and revise as necessary a regional
2517 emergency medical services plan in cooperation with the Board.

2518 The designated regional emergency services councils shall be required to match state funds with
2519 local funds obtained from private or public sources in the proportion specified in the regulations of the
2520 Board. Moneys received directly or indirectly from the Commonwealth shall not be used as matching
2521 funds. A local governing body may choose to appropriate funds for the purpose of providing matching
2522 grant funds for any designated regional emergency medical services council. However, this section shall
2523 not be construed to place any obligation on any local governing body to appropriate funds to any such
2524 council.

2525 The Board shall promulgate, in cooperation with the Advisory Board, regulations to implement
2526 this section, which shall include, but not be limited to, requirements to ensure accountability for public
2527 funds, criteria for matching funds, and performance standards.

2528 **§ 32.1-111.4:3. Provision of emergency medical services.**

2529 A. Any county, city, or town may provide emergency medical services to its citizens by (i)
2530 establishing an emergency medical services agency as a department of government pursuant to § 32.1-
2531 111.4:6 or (ii) contracting with or providing for the provision of emergency medical services by an
2532 emergency medical services agency established pursuant to § 32.1-111.4:7.

2533 B. In cases in which a county, city, or town elects to contract with or provide for emergency
2534 medical services by an emergency medical services agency pursuant to clause (ii) of subsection A, the
2535 emergency medical services agency shall be deemed to be an instrumentality of the county, city, or town
2536 and, as such, exempt from suit for damages done incident to the provision of emergency medical
2537 services therein.

2538 **§ 32.1-111.4:4. Emergency medical services personnel and equipment may in emergencies**
2539 **go or be sent beyond territorial limits.**

2540 Whenever the necessity arises during any actual or potential emergency resulting from fire,
2541 personal injury, or other public disaster, the emergency medical services personnel of any county, city,
2542 or town may, together with all necessary equipment, lawfully go or be sent beyond the territorial limits
2543 of such county, city, or town to any point within or without the Commonwealth to assist in meeting such
2544 emergency.

2545 In such event, the acts performed by such fire or emergency medical services personnel and the
2546 expenditures made for such purpose by such county, city, or town shall be deemed conclusively to be for
2547 a public and governmental purpose, and all of the immunities from liability enjoyed by a county, city, or
2548 town when acting through its emergency medical services personnel for a public or governmental
2549 purpose within its territorial limits shall be enjoyed by it to the same extent when such county, city, or
2550 town is so acting, under this section or under other lawful authority, beyond its territorial limits.

2551 Emergency medical services personnel of any county, city, or town, when acting hereunder or
2552 under other lawful authority, beyond the territorial limits of such county, city, or town, shall have all the
2553 immunities from liability and exemptions from laws, ordinances, and regulations and shall have all of
2554 the pension, relief, disability, workers' compensation, and other benefits enjoyed by them while
2555 performing their respective duties.

2556 § 32.1-111.4:5. Contracts of counties, cities, and towns to furnish emergency medical
2557 services; public liability insurance to cover claims arising out of mutual aid agreements.

2558 A. The governing body of any city or town may, in its discretion, authorize or require the
2559 emergency medical services agency thereof to render aid in cases of actual or potential medical
2560 emergencies occurring beyond its limits, may prescribe the conditions under which such aid may be
2561 rendered, and may enter into contracts with nearby, adjacent, or adjoining counties and cities, within or
2562 without the Commonwealth, including the District of Columbia, for rendering aid in the provision of
2563 emergency medical services in such counties, cities, or any district, or sanitary district thereof or in the
2564 District of Columbia, on such terms as may be agreed upon by such governing body and the governing
2565 body of the District of Columbia or of such counties and cities, or districts, including sanitary districts,
2566 provided that each of the parties to such agreement may contract as follows: (i) waive any and all claims
2567 against all the other parties thereto that may arise out of their activities outside their respective
2568 jurisdictions under such agreement; (ii) indemnify and save harmless the other parties to such agreement
2569 from all claims by third parties for property damage or personal injury that may arise out of the activities
2570 of the other parties to such agreement outside their respective jurisdictions under such agreement. When
2571 the emergency medical services agency of any city or town is operating under such permission or
2572 contracts on any call beyond the corporate limits of the city or town, it shall be deemed to be operating
2573 in a governmental capacity, and subject only to such liability for injuries as it would be if it were
2574 operating within the corporate limits of such city or town.

2575 B. Any county, city, or town may contract with the federal or state government to provide
2576 emergency medical services to federal or state property located within or without the boundaries of the
2577 county, city, or town. In the absence of a written contract, any acts performed and all expenditures made
2578 by a county, city, or town in providing emergency medical services to property owned by the federal
2579 government shall be deemed conclusively to be for a public and governmental purpose, and all of the
2580 immunities from liability enjoyed by a county, city, or town when acting through its emergency medical
2581 services personnel for a public or governmental purpose within or without its territorial limits shall be

2582 enjoyed by it to the same extent when such county, city, or town is so acting, under the provisions of this
2583 section or under other lawful authority.

2584 Emergency medical services personnel of any county, city, or town when acting hereunder, or
2585 under other lawful authority, shall have all of the immunities from liability and exemptions from laws,
2586 ordinances, and regulations and shall have all of the pension, relief, disability, workers' compensation,
2587 and other benefits enjoyed by them while performing their respective duties. The amount of
2588 compensation to the county, city, or town pursuant to the contract shall be a matter within the sole
2589 discretion of the governing body of the county, city, or town.

2590 C. The governing body of any county adjoining or near any county, city, or town, within or
2591 without the Commonwealth, including the District of Columbia, having and maintaining emergency
2592 medical services equipment may contract with any such county, city, or town, upon such terms as such
2593 governing body may deem proper, for responding to medical emergencies in such county, city, or town
2594 and may prescribe the terms and conditions upon which such services may be provided on privately
2595 owned property in the county, city, or town and may raise funds with which to pay for such services, by
2596 levying and collecting annually, at such rates as such governing body may deem sufficient, a special tax
2597 upon the property in such county, or in any magisterial district thereof, subject to local taxation.

2598 D. The governing body of any county, city, or town in the Commonwealth is authorized to
2599 procure or extend the necessary public liability insurance to cover claims arising out of mutual aid
2600 agreements executed with other counties, cities, or towns outside the Commonwealth, including the
2601 District of Columbia.

2602 **§ 32.1-111.4:6. Establishment of an emergency medical services agency as a department of**
2603 **local government.**

2604 A. The governing body of any county, city, or town may establish an emergency medical
2605 services agency as a department of government and may designate it by any name consistent with the
2606 names of its other governmental units. The head of such emergency medical services agency shall be
2607 known as "the emergency medical services agency chief" or "EMS chief." As many other officers and

2608 employees may be employed in such emergency medical services agency as the governing body may
2609 approve.

2610 B. An emergency medical services agency established pursuant to subsection A may consist of
2611 government-employed emergency medical services personnel, volunteer emergency medical services
2612 personnel, or both. If an emergency medical services agency established pursuant to this section includes
2613 volunteer emergency medical services personnel, such volunteer emergency medical services personnel
2614 shall be deemed instrumentalities of the county, city, or town and, as such, exempt from suit for
2615 damages done incident to providing emergency medical services to the county, city, or town.

2616 C. The governing body of any county, city, or town may empower an emergency medical
2617 services agency established therein pursuant to this section to make bylaws to promote its objects
2618 consistent with the laws of the Commonwealth and ordinances of the county, city, or town and may
2619 provide for the compensation of the officers and employees of such agency.

2620 D. All check stubs or time cards purporting to be a record of time spent on the job by emergency
2621 medical services personnel employed by an emergency medical services agency established pursuant to
2622 this section shall record all hours of employment, regardless of how spent. All check stubs or pay
2623 records purporting to show the hourly compensation of emergency medical services personnel employed
2624 by an emergency medical services agency established pursuant to this section shall show the actual
2625 hourly wage to be paid. Nothing in this section shall require the showing of such information on check
2626 stubs, time cards, or pay records; however, if such information is shown, the information shall be in
2627 compliance with this section.

2628 **§ 32.1-111.4:7. Establishment of an emergency medical services agency as a**
2629 **nongovernmental entity.**

2630 A. Any number of persons wishing to provide emergency medical services may establish an
2631 emergency medical services agency by (i) recording a writing stating the formation of such company,
2632 with the names of the members thereof thereto subscribed in the court of the county or city wherein such
2633 agency shall be located, (ii) complying with such local ordinances as may exist related to establishment
2634 of an emergency medical services agency, and (iii) obtaining a valid emergency medical services agency

2635 license from the Office of Emergency Medical Services together with such emergency medical services
2636 vehicle permits from the Office of Emergency Medical Services as the Office of Emergency Medical
2637 Services may require. The principal officer of such emergency medical services agency shall be known
2638 as "the emergency medical services agency chief" or "EMS chief."

2639 B. The members of an emergency medical services agency established pursuant to subsection A
2640 may make regulations for effecting its objects consistent with the laws of the Commonwealth; the
2641 ordinances of the county, city, or town; and the bylaws of the emergency medical services agency
2642 thereof.

2643 C. In every county, city, or town in which an emergency medical services agency is established
2644 pursuant to this section, there shall be appointed, at such time and in such manner as the governing body
2645 of such county, city, or town in which the emergency medical services agency is located may prescribe,
2646 an emergency medical services agency chief and as many other officers of the emergency medical
2647 services agency as such governing body may direct.

2648 D. An emergency medical services agency established pursuant to this section may be dissolved
2649 when the local governing body of the county, city, or town in which the emergency medical services
2650 agency is located determines that the emergency medical services agency has failed, for three months
2651 successively, to have or keep in good and serviceable condition emergency medical services vehicles
2652 and equipment and other proper implements, or when the governing body of the county, city, or town for
2653 any reason deems it advisable.

2654 **§ 32.1-111.4:8. Ordinances as to emergency medical services agencies.**

2655 The governing body of any county, city, or town in which an emergency medical services agency
2656 is established pursuant to § 32.1-111.4:6 or 32.1-111.4:7 may make such ordinances in relation to the
2657 powers and duties of emergency medical services agencies and emergency medical services agency
2658 chiefs or other officers of such emergency medical services agencies as it may deem proper.

2659 **§ 32.1-111.5. Certification and recertification of emergency medical services providers;**
2660 **appeals process.**

2661 A. The Board shall prescribe by regulation the qualifications required for certification of
2662 emergency medical services providers, including those qualifications necessary for authorization to
2663 follow Do Not Resuscitate Orders pursuant to § 54.1-2987.1. Such regulations shall include criteria for
2664 determining whether an applicant's relevant practical experience and didactic and clinical components of
2665 education and training completed during his service as a member of any branch of the armed forces of
2666 the United States may be accepted by the Commissioner as evidence of satisfaction of the requirements
2667 for certification.

2668 B. Each person desiring certification as an emergency medical services provider shall apply to
2669 the Commissioner upon a form prescribed by the Board. Upon receipt of such application, the
2670 Commissioner shall cause the applicant to be examined or otherwise determined to be qualified for
2671 certification. When determining whether an applicant is qualified for certification, the Commissioner
2672 shall consider and may accept relevant practical experience and didactic and clinical components of
2673 education and training completed by an applicant during his service as a member of any branch of the
2674 armed forces of the United States as evidence of satisfaction of the requirements for certification. If the
2675 Commissioner determines that the applicant meets the requirements for certification as an emergency
2676 medical services provider, he shall issue a certificate to the applicant. An emergency medical services
2677 provider certificate so issued shall be valid for a period required by law or prescribed by the Board. Any
2678 certificate so issued may be suspended at any time that the Commissioner determines that the holder no
2679 longer meets the qualifications prescribed for such emergency medical services provider. The
2680 Commissioner may temporarily suspend any certificate without notice, pending a hearing or informal
2681 fact-finding conference, if the Commissioner finds that there is a substantial danger to public health or
2682 safety. When the Commissioner has temporarily suspended a certificate pending a hearing, the
2683 Commissioner shall seek an expedited hearing in accordance with the Administrative Process Act (§
2684 2.2-4000 et seq.).

2685 C. The Board shall prescribe by regulation procedures and the qualifications required for the
2686 recertification of emergency medical services providers.

2687 D. The Commissioner may issue a temporary certificate when he finds that it is in the public
2688 interest. A temporary certificate shall be valid for a period not exceeding 90 days.

2689 E. The ~~State Board of Health~~ shall require each person who, on or after July 1, 2013, applies to
2690 be a volunteer with or employee of an emergency medical services agency to submit fingerprints and
2691 provide personal descriptive information to be forwarded along with his fingerprints through the Central
2692 Criminal Records Exchange to the Federal Bureau of Investigation, for the purpose of obtaining his
2693 criminal history record information. The Central Criminal Records Exchange shall forward the results of
2694 the state and national records search to the Commissioner or his designee, who shall be a governmental
2695 entity. If an applicant is denied employment or service as a volunteer because of information appearing
2696 on his criminal history record and the applicant disputes the information upon which the denial was
2697 based, the Central Criminal Records Exchange shall, upon written request, furnish to the applicant the
2698 procedures for obtaining a copy of the criminal history record from the Federal Bureau of Investigation.

2699 **§ 32.1-111.6. Emergency medical services agency license; emergency medical services**
2700 **vehicle permits.**

2701 A. No person shall operate, conduct, maintain, or profess to be an emergency medical services
2702 agency without a valid ~~permit license~~ issued by the Commissioner for such emergency medical services
2703 agency and a valid permit for each emergency medical services vehicle used by such emergency medical
2704 services agency.

2705 B. The Commissioner shall issue an original or renewal ~~permit license~~ for an emergency medical
2706 services agency or renewal permit for an emergency medical services vehicle ~~which that~~ meets all
2707 requirements set forth in this article and in the regulations of the Board, upon application, on forms and
2708 according to procedures established by the Board. ~~Permits Licenses and permits~~ shall be valid for a
2709 period specified by the Board, not to exceed two years.

2710 C. The Commissioner may issue temporary ~~permits licenses~~ for emergency medical services
2711 agencies or temporary permits for emergency medical services vehicles not meeting required standards,
2712 valid for a period not to exceed ~~sixty~~ 60 days, when the public interest will be served thereby.

2713 D. The issuance of a license or permit~~hereunder in accordance with this section~~ shall not be
2714 construed to authorize any emergency medical services agency to operate any emergency medical
2715 services vehicle without a franchise, license, or permit in any county or municipality ~~which that~~ has
2716 enacted an ordinance pursuant to § 32.1-111.14 making it unlawful to do so.

2717 E. The word "ambulance" shall not appear on any vehicle, vessel or aircraft that does not hold a
2718 valid permit as an emergency medical services vehicle.

2719 **§ 32.1-111.6:1. Commissioner to issue certain emergency medical services licenses or**
2720 **permits.**

2721 The Commissioner of Health shall issue ~~permits or licenses for to~~ emergency medical services
2722 agencies and permits for emergency medical services vehicles as needed to ensure compliance with
2723 federal regulations relating to reimbursement of ~~ambulance emergency medical services vehicle~~
2724 transportation services pursuant to Medicare and Medicaid.

2725 **§ 32.1-111.7. Inspections.**

2726 Each emergency medical services agency for which a license has been issued and ~~each~~
2727 emergency medical services vehicle for which a permit has been issued shall be inspected as often as the
2728 Commissioner deems necessary and a record thereof shall be maintained. Each such emergency medical
2729 services agency or emergency medical services vehicle, its medical supplies and equipment, and the
2730 records of its maintenance and operation shall be available at all reasonable times for inspection.

2731 **§ 32.1-111.8. Revocation and suspension of licenses and permits.**

2732 Whenever an emergency medical services agency or ~~an~~ emergency medical services vehicle
2733 owned or operated by an emergency medical services agency is in violation of any provision of this
2734 article or any applicable regulation, the Commissioner shall have power to revoke or suspend such
2735 emergency medical services agency's ~~permit license~~ and the permits of all emergency medical services
2736 vehicles owned or operated by the emergency medical services agency. The Commissioner may
2737 temporarily suspend any ~~permit license~~ for ~~agencies an emergency medical services agency~~ or ~~permit for~~
2738 ~~an~~ emergency medical services ~~vehieles vehicle~~ without notice, pending a hearing or informal fact-
2739 finding conference, if the Commissioner finds that there is a substantial danger to public health or safety.

2740 When the Commissioner has temporarily suspended a license or permit pending a hearing, the
2741 Commissioner shall seek an expedited hearing in accordance with the Administrative Process Act (§
2742 2.2-4000 et seq.).

2743 **§ 32.1-111.9. Applications for variances or exemptions.**

2744 A. Prior to the submission of (i) an application for a variance to the Commissioner ~~of Health~~-or
2745 (ii) an application for an exemption from any regulations promulgated pursuant to this chapter to the
2746 Board ~~of Health~~ by an emergency medical services agency ~~or governmental entity licensed or certified~~
2747 ~~by the Office of Emergency Medical Services that holds a valid license issued by the Commissioner~~, the
2748 application shall be reviewed by the governing body or chief administrative officer of the jurisdiction in
2749 which the principal office of the emergency medical services agency ~~or governmental entity licensed or~~
2750 ~~certified by the Office of Emergency Medical Services~~ is located. The recommendation of the governing
2751 body or chief administrative officer of the jurisdiction regarding the variance or exemption shall be
2752 submitted with the application, and the Commissioner or Board, whichever is appropriate, shall consider
2753 that recommendation for the purposes of granting or denying the variance or exemption.

2754 B. ~~A provider~~ An individual who meets the definition of "emergency medical services
2755 personnel" in § 32.1-111.1 who is certified as an emergency medical services provider or is a candidate
2756 for certification by the Office of Emergency Medical Services shall not be required to submit an
2757 application for a variance or exemption to the local governing body or chief administrative officer of the
2758 jurisdiction for review, but shall submit the application for a variance or exemption to the Operational
2759 Medical Director and the ~~agency head of the~~ emergency medical services agency chief with which ~~the~~
2760 ~~provider~~ he is affiliated, and shall include the recommendations of such Operational Medical Director
2761 and the emergency medical services agency ~~head~~ chief together with the application for a variance or
2762 exemption. The recommendation of the Operational Medical Director and the emergency medical
2763 services agency ~~head~~ chief with which the emergency medical services personnel is affiliated regarding
2764 the variance or exemption shall be submitted with the application and the Commissioner or Board,
2765 whichever is appropriate, shall consider that recommendation for the purposes of granting or denying
2766 the variance or exemption.

2767 C. ~~A~~ An emergency medical services provider who is not affiliated with an emergency medical
2768 services agency shall submit an application for a variance or exemption to the Commissioner or Board,
2769 whichever is appropriate, and the Commissioner or Board, whichever is appropriate, shall consider the
2770 application for the purposes of granting or denying the variance or exemption. The Commissioner or
2771 Board, whichever is appropriate, may require ~~a~~ an emergency medical services provider who is not
2772 affiliated with an emergency medical services agency to submit additional case-specific endorsements or
2773 supporting documentation as part of an application for a variance or exemption.

2774 D. The applicant shall have the right to appeal any denial by the Commissioner or Board of an
2775 application for a variance or exemption pursuant to the Administrative Process Act (§ 2.2-4000 et seq.).

2776 **§ 32.1-111.12. Virginia Rescue Squads Assistance Fund; disbursements.**

2777 A. For the purpose of providing financial assistance to ~~rescue squads and other~~ emergency
2778 medical services organizations in the Commonwealth, of providing the requisite training for emergency
2779 medical ~~service services~~ personnel, and of purchasing equipment needed by such ~~rescue squads and~~
2780 organizations, there is hereby created in the Department of the Treasury a special nonreverting fund
2781 ~~which that~~ shall be known as the Virginia Rescue Squads Assistance Fund. The Fund shall be
2782 established on the books of the Comptroller, and any moneys remaining in such Fund at the end of each
2783 fiscal year shall not revert to the general fund but shall remain in the Fund. Interest earned on such
2784 moneys shall remain in the Fund and be credited to it. The Fund shall consist of any moneys
2785 appropriated for this purpose by the General Assembly and any other moneys received for such purpose
2786 by the Board. On and after July 1, 1996, any such moneys unexpended at the end of a fiscal biennium
2787 shall remain in the Fund and shall not revert to the general fund.

2788 B. In accordance with regulations of the Board, the Commissioner shall disburse and expend the
2789 moneys in the Virginia Rescue Squads Assistance Fund. No moneys shall be disbursed directly to any
2790 ~~rescue squad or other~~ emergency medical services organization unless such ~~squad or~~ organization
2791 operates on a nonprofit basis exclusively for the benefit of the general public.

2792 **§ 32.1-111.13. Annual financial reports.**

2793 ~~Effective on July 1, 1996, the~~ The Virginia Association of Volunteer Rescue Squads shall submit
2794 an annual financial report on the use of funds received from the special emergency medical services
2795 fund to the ~~State Emergency Medical Services~~ Advisory Board Executive Committee on such forms and
2796 providing such information as may be required by the Advisory Board Executive Committee for such
2797 purpose.

2798 **§ 32.1-111.14. Powers of governing bodies of counties, cities, and towns.**

2799 A. Upon finding as fact, after notice and public hearing, that exercise of the powers enumerated
2800 below is necessary to assure the provision of adequate and continuing emergency medical services and
2801 to preserve, protect and promote the public health, safety and general welfare, the governing body of any
2802 county or city is empowered to:

2803 1. Enact an ordinance making it unlawful to operate any emergency medical services ~~vehicles~~
2804 vehicle or ~~any~~ class thereof established by the Board in such county or city without having been granted
2805 a franchise, license or permit to do so;

2806 2. Grant franchises, licenses or permits to emergency medical services agencies based within or
2807 outside the county or city; however, any emergency medical services agency in operation in any county
2808 or city on June 28, 1968, that continues to operate as such, up to and including the effective date of any
2809 ordinance adopted pursuant to this section, and that submits to the governing body of the county or city
2810 satisfactory evidence of such continuing operation, shall be granted a franchise, license or permit by
2811 such governing body to serve at least that part of the county or city in which the agency has
2812 continuously operated if all other requirements of this article are met;

2813 3. Limit the number of emergency medical services vehicles to be operated within the county or
2814 city and by any emergency medical services agency;

2815 4. Determine and prescribe areas of franchised, licensed or permitted service within the county or
2816 city;

2817 5. Fix and change from time to time reasonable charges for franchised, licensed or permitted
2818 services;

2819 6. Set minimum limits of liability insurance coverage for emergency medical services vehicles;

2820 7. Contract with franchised, licensed or permitted emergency medical services agencies for
2821 emergency medical services vehicle transportation services to be rendered upon call of a county or
2822 municipal agency or department and for transportation of bona fide indigents or persons certified by the
2823 local board of social services to be public assistance or social services recipients; and

2824 8. Establish other necessary regulations consistent with statutes or regulations of the Board
2825 relating to operation of emergency medical services vehicles.

2826 B. In addition to the powers set forth above, the governing body of any county or city is
2827 authorized to provide, or cause to be provided, services of emergency medical services vehicles; to own,
2828 operate and maintain emergency medical services vehicles; to make reasonable charges for use of
2829 emergency medical services vehicles, including charging insurers for ~~ambulance~~ emergency medical
2830 services vehicle transportation services as authorized by § 38.2-3407.9; and to contract with any
2831 emergency medical services agency for the services of its emergency medical services vehicles.

2832 C. Any incorporated town may exercise, within its corporate limits only, all those powers
2833 enumerated in subsections A and B either upon the request of a town to the governing body of the
2834 county wherein the town lies and upon the adoption by the county governing body of a resolution
2835 permitting such exercise, or after 180 days' written notice to the governing body of the county if the
2836 county is not exercising such powers at the end of such 180-day period.

2837 D. No county ordinance enacted, or other county action taken, pursuant to powers granted herein
2838 shall be effective within an incorporated town in such county which is at the time exercising such
2839 powers until 180 days after written notice to the governing body of the town.

2840 E. Nothing herein shall be construed to authorize any county to regulate in any manner
2841 emergency medical services vehicles owned and operated by a town or to authorize any town to regulate
2842 in any manner emergency medical services vehicles owned and operated by a county.

2843 F. ~~Any emergency~~ Emergency medical services vehicles operated by a county, city, or town
2844 under authority of this section shall be subject to the provisions of this article and to the regulations of
2845 the Board ~~adopted thereunder~~.

2846 § 32.1-111.14:2. Establishment of emergency medical services zones or districts; tax levies.

2847 The governing bodies of the several counties or cities of the Commonwealth may create and
2848 establish, by designation on a map of the county or city showing current, official parcel boundaries, or
2849 by any other description that is legally sufficient for the conveyance of property or the creation of
2850 parcels, emergency medical services zones or districts in such counties or cities within which may be
2851 located and established one or more emergency medical services agencies for providing emergency
2852 medical services within such zones or districts.

2853 In the event of the creation of such zones or districts in any county or city, the county or city
2854 governing body may acquire, in the name of the county or city, real or personal property to be devoted
2855 to the uses aforesaid and shall prescribe rules and regulations for the proper management, control, and
2856 conduct thereof. Such governing body shall also have authority to contract with, or secure the services
2857 of, any individual corporation, organization, or municipal corporation or any volunteer emergency
2858 medical services agency or emergency medical services provider for such emergency medical services
2859 as may be required.

2860 To raise funds for the purposes aforesaid, the governing body of any county or city in which such
2861 zones or districts are established may levy annually a tax on the assessed value of all property real and
2862 personal within such zones or districts, subject to local taxation, which tax shall be extended and
2863 collected as other county or city taxes are extended and collected. However, any property located in
2864 Augusta County that has qualified for an agricultural or forestal use-value assessment pursuant to Article
2865 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1 may not be included within such a zone or district and
2866 may not be subject to such tax. In any county or city having a population between 25,000 and 25,500,
2867 the maximum rate of tax under this section shall be \$0.30 on \$100 of assessed value.

2868 The amount realized from such levy shall be kept separate from all other moneys of the county
2869 or city and shall be applied to no other purpose than the maintenance and operation of the emergency
2870 medical services agencies established pursuant to this section.

2871 **§ 32.1-111.14:3. Exclusion of certain areas from emergency medical services zones or**
2872 **districts and exemption of such areas from certain levies.**

2873 The governing body of any county or city having an emergency medical services zone or district
2874 created under the provisions of § 32.1-111.14:2, prior to June 1 of any calendar year, may alter the
2875 boundaries of such emergency medical services zone or district for the purpose of excluding an area of
2876 any such emergency medical services zone or district that is also within the boundaries of a sanitary
2877 district providing emergency medical services or under contract to a sanitary district providing
2878 emergency medical services.

2879 Any area excluded from an emergency medical services zone or district as provided by this
2880 section shall not be subject to the levy set forth in § 32.1-111.14:2 for the year such area is excluded.

2881 **§ 32.1-111.14:4. Advances by county or city to emergency medical services zone or district;**
2882 **reimbursement; validation of prior advances.**

2883 A. The governing body of any county or city in the Commonwealth may advance funds, not
2884 otherwise specifically allocated or obligated, from the general fund to an emergency medical services
2885 zone or district to assist the emergency medical services zone or district to exercise the powers set forth
2886 in § 32.1-111.14:2.

2887 B. Notwithstanding the provisions of any other law, the governing body shall direct the treasurer
2888 to reimburse the general fund of the county or city from the proceeds of any funds to the credit of the
2889 emergency medical services zone or district, not otherwise specifically allocated or obligated, to the
2890 extent that the county or city has made advances to the emergency medical services zone or district from
2891 such general fund to assist the emergency medical services zone or district to exercise the powers set
2892 forth in § 32.1-111.14:2.

2893 C. The advancement of any funds heretofore advanced from the general fund by the governing
2894 body of any county or city in the Commonwealth for the benefit of an emergency medical services zone
2895 or district in exercising the lawful powers of such emergency medical services zone or district is hereby
2896 validated and confirmed.

2897 **§ 32.1-111.14:5. Authority of emergency medical services agency incident commander**
2898 **when operating at an emergency incident; penalty for refusal to obey orders.**

2899 Except as provided in § 32.1-111.14:6, while any emergency medical services personnel are in
2900 the process of operating at an emergency incident where there is imminent danger and when emergency
2901 medical services personnel are returning to the emergency medical services agency, the incident
2902 commander of such emergency medical services agency at that time shall have the authority to (i)
2903 maintain order at such emergency incident or its vicinity, (ii) direct the actions of emergency medical
2904 services personnel at the incident, (iii) notwithstanding the provisions of §§ 46.2-888 through 46.2-891,
2905 keep bystanders or other persons at a safe distance from the incident and emergency equipment, (iv)
2906 facilitate the speedy movement and operation of emergency equipment and emergency medical services
2907 personnel, and (v) until the arrival of a police officer, direct and control traffic in person or by deputy
2908 and facilitate the movement of traffic. The emergency medical services agency incident commander
2909 shall display his emergency medical services personnel's badge or other proper means of identification.
2910 Notwithstanding any other provision of law, this authority shall extend to the activation of traffic control
2911 signals designed to facilitate the safe egress and ingress of emergency equipment at an emergency
2912 medical services agency. Any person refusing to obey the orders of the emergency medical services
2913 incident commander at that time is guilty of a Class 4 misdemeanor. The authority granted under the
2914 provisions of this section may not be exercised to inhibit or obstruct members of law-enforcement
2915 agencies or fire departments or fire companies from performing their normal duties when operating at
2916 such emergency incident, nor to conflict with or diminish the lawful authority, duties, and
2917 responsibilities of forest wardens, including but not limited to the provisions of Chapter 11 (§ 10.1-1100
2918 et seq.) of Title 10.1. Personnel from the news media, such as the press, radio, and television, when
2919 gathering the news may enter at their own risk into the incident area only when the incident commander
2920 has deemed the area safe and only into those areas of the incident that do not, in the opinion of the
2921 incident commander, interfere with the emergency medical services personnel dealing with such
2922 emergencies, in which case the emergency medical services incident commander may order such person
2923 from the scene of the emergency incident.

2924 § 32.1-111.14:6. Supervision and control of joint services of emergency medical services
2925 agencies; supervision and control of joint services of emergency medical services agencies and fire
2926 companies or fire departments.

2927 A. Whenever two or more emergency medical services agencies are called to provide joint
2928 services in any district or political subdivision, the incident commander of the first agency to arrive shall
2929 have general supervision and control of all such participating agencies until an officer of such district or
2930 political subdivision who is otherwise authorized by law to do so shall assume such general supervision
2931 and control.

2932 B. Whenever one or more emergency medical services agency and one or more fire companies or
2933 fire departments are called to provide joint services in any district or political subdivision, the
2934 commander of the first fire company or department to arrive shall assume control and have general
2935 supervision and control of all such participating fire companies or departments and emergency medical
2936 services agencies until an officer of such district or political subdivision who is otherwise authorized by
2937 law to do so shall assume such general supervision and control.

2938 § 32.1-111.14:7. Penalty for disobeying emergency medical services agency chief or other
2939 officer in command.

2940 If any person at a fire or medical emergency refuses or neglects to obey any order duly given by
2941 the individual having command of the incident in accordance with § 32.1-111.14:5 or 32.1-111.14:6, he
2942 shall, upon conviction of such offense, be fined not to exceed \$100.

2943 § 32.1-111.14:8. Purchase, maintenance, etc., of equipment; donated equipment.

2944 A. The governing body of every county, city, or town shall have power to provide for the
2945 purchase, operation, staffing, and maintenance of suitable equipment for providing emergency medical
2946 services in or upon the property of the county, city, or town and of its inhabitants and to prescribe the
2947 terms and conditions upon which the same will be used for providing emergency medical services in or
2948 upon privately owned property.

2949 B. Any emergency medical services agency donating equipment for providing emergency
2950 medical services to any other emergency medical services agency, which equipment met existing

2951 engineering and safety standards at the time of its purchase by the donating entity, shall be immune from
2952 civil liability unless the donating entity acted with gross negligence or willful misconduct.

2953 C. A safety inspection must be completed by a certified emergency medical services vehicle
2954 service center and a report designating any deficiencies shall be provided prior to the change in
2955 ownership of the donated emergency medical services vehicle.

2956 **§ 32.1-111.14:9. Entry of buildings and premises adjoining during a medical emergency.**

2957 A. The incident commander at a medical emergency, and his subordinates, upon his order or
2958 direction, shall have the right at any time of the day or night to enter any building or upon any premises
2959 where a medical emergency is in progress, or any building or premises adjacent thereto for the purpose
2960 of providing emergency medical services.

2961 B. The incident commander at a medical emergency, and his subordinates upon his order or
2962 direction, shall have the right to remain at the scene of a medical emergency, including remaining in any
2963 building or house, for purposes of protecting the property and preventing the public from entry into the
2964 premises, until such reasonable time as the owner may resume responsibility for the protection of the
2965 property.

2966 **§ 32.1-111.15. Statewide poison control system established.**

2967 From such funds as may be appropriated for this purpose and from such gifts, donations, grants,
2968 bequests, and other funds as may be received, the Board ~~of Health~~ shall establish a statewide poison
2969 control system. The funding mechanism for the system and its services shall be as provided in the
2970 appropriation act.

2971 The Board shall establish poison control centers that meet national certification standards
2972 promulgated by the American Association of Poison Control Centers. If such national certification
2973 standards are eliminated, the Board shall establish minimum standards for the designation and operation
2974 of these poison control centers. The poison control centers established by the Board shall report to the
2975 Board by October 1 of each year regarding program operations; expenditures; revenues, including in-
2976 kind contributions; financial status; future needs; and summaries of human poison exposure cases for the
2977 most recent calendar year.

2978 The statewide system shall provide, at a minimum, (i) consultation, by free, 24-hour emergency
2979 | telephone or other means of communication, to the public and to health care ~~practitioners~~ providers
2980 | regarding the ingestion or application of substances, including determinations of emergency treatment,
2981 | coordination of referrals to emergency treatment facilities, and provision of appropriate information to
2982 | the staffs of such facilities; (ii) prevention education and information about poison control services; (iii)
2983 | training for health care ~~practitioners~~ providers in toxicology and medical management of poison
2984 | exposure cases; and (iv) poison control surveillance through the collection and analysis of data from
2985 | reported poison exposures to identify poisoning hazards, prevent poisonings, and improve treatment of
2986 | poisoned patients.

2987 **§ 32.1-116.1:1. Disclosure of medical records.**

2988 Any licensed physician, licensed health care provider, or licensed health care facility may
2989 | disclose to ~~an~~ emergency medical services ~~provider~~ personnel, an emergency medical services
2990 | physician, or their licensed parent agency the medical records of a sick or injured person to whom such
2991 | emergency medical services provider personnel or emergency medical services physician is providing or
2992 | has rendered emergency medical care for the purpose of promoting the medical education of the specific
2993 | person who provided such care or for quality improvement initiatives of their agency or of the ~~EMS~~
2994 | emergency medical services system as a whole. Any emergency medical services ~~provider~~ personnel or
2995 | emergency medical services physician to whom such confidential records are disclosed shall not further
2996 | disclose such information to any persons not entitled to receive that information in accordance with the
2997 | provisions of this section.

2998 **§ 32.1-116.3. Reporting of communicable diseases; definitions.**

2999 A. For the purposes of this section:

3000 "Communicable disease of public health threat" means an illness of public health significance, as
3001 | determined by the State Health Commissioner in accordance with regulations of the Board of Health,
3002 | caused by a specific or suspected infectious agent that may be reasonably expected or is known to be
3003 | readily transmitted directly or indirectly from one individual or person to another or to uninfected
3004 | persons through airborne or nonairborne means and has been found to create a risk of death or

3005 significant injury or impairment; this definition shall not, however, be construed to include human
3006 immunodeficiency viruses or tuberculosis, unless used as a bioterrorism weapon. "Individual" shall
3007 include any companion animal.

3008 "Communicable diseases" means any airborne infection or disease, including, but not limited to,
3009 tuberculosis, measles, certain meningococcal infections, mumps, chicken pox and Hemophilus
3010 Influenzae Type b, and those transmitted by contact with blood or other human body fluids, including,
3011 but not limited to, human immunodeficiency virus, Hepatitis B and Non-A, Non-B Hepatitis.

3012 B. Every licensed health care facility ~~which that~~ transfers or receives patients via emergency
3013 medical services ~~ambulances or mobile intensive care units~~ vehicles shall notify the emergency medical
3014 services agencies providing such patient transport of the name and telephone number of the individual
3015 who is the infection control practitioner with the responsibility of investigating exposure to infectious
3016 diseases in the facility.

3017 Every ~~licensed~~ emergency medical services agency that holds a valid license issued by the
3018 Commissioner and that is established in the Commonwealth shall notify all facilities to which ~~they~~
3019 ~~transport it transports~~ patients or from which ~~they transfer it transfers~~ patients of the names and
3020 telephone numbers of the members, not to exceed three persons, who have been appointed to serve as
3021 the exposure control officers. Every ~~licensed~~ emergency medical services agency that holds a valid
3022 license issued by the Commissioner shall implement universal precautions and shall ensure that these
3023 precautions are appropriately followed and enforced.

3024 C. Upon requesting any ~~licensed~~ emergency medical services agency that holds a valid license
3025 issued by the Commissioner to transfer a patient who is known to be positive for or who suffers from
3026 any communicable disease, the transferring facility shall inform the attendant-in-charge of the
3027 transferring crew of the general condition of the patient and the types of precautions to be taken to
3028 prevent the spread of the disease. The identity of the patient shall be confidential.

3029 D. If any firefighter, law-enforcement officer, or emergency medical services provider ~~or~~
3030 ~~paramedic~~ has an exposure of blood or body fluid to mucous membrane; or non-intact skin; or a

3031 contaminated needlestick injury, his exposure control officer shall be notified, a report completed, and
3032 the infection control practitioner at the receiving facility notified.

3033 E. If, during the course of medical care and treatment, any physician determines that a patient
3034 who was transported to a receiving facility by any ~~licensed~~-emergency medical services agency that
3035 holds a valid license issued by the Commissioner (i) is positive for or has been diagnosed as suffering
3036 from an airborne infectious disease or (ii) is subject to an order of quarantine or an order of isolation
3037 pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2-~~of this title~~, then the infection control
3038 practitioner in the facility shall immediately notify the exposure control officer who represents the
3039 transporting emergency medical services agency of the name of the patient, and the date and time of the
3040 patient's admittance to the facility. The exposure control officer for the transporting emergency medical
3041 services agency shall investigate the incident to determine if any exposure of emergency medical
3042 services personnel or other emergency personnel occurred. The identity of the patient and all personnel
3043 involved in any such investigation shall be confidential.

3044 F. If any firefighter, law-enforcement officer, or emergency medical services provider ~~or~~
3045 ~~paramedic shall be~~ exposed to a communicable disease, the exposure control officer shall immediately
3046 notify the infection control practitioner of the receiving facility. The infection control practitioner of the
3047 facility shall conduct an investigation and provide information concerning the extent and severity of the
3048 exposure and the recommended course of action to the exposure control officer of the transporting
3049 agency.

3050 G. Any person requesting or requiring any employee of a public safety agency as defined in
3051 subsection J of § 32.1-45.2 to arrest, transfer, or otherwise exercise custodial supervision over an
3052 individual known to the requesting person (i) to be infected with any communicable disease or (ii) to be
3053 subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.)
3054 of Chapter 2-~~of this title~~ shall inform such public safety agency employee of a potential risk of exposure
3055 to a communicable disease.

3056 H. Local or state correctional facilities which transfer patients known to have a communicable
3057 disease or to be subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-

3058 | 48.05 et seq.) of Chapter 2-~~of this title~~ shall notify the emergency medical services agency providing
3059 transportation services of a potential risk of exposure to a communicable disease, including a
3060 communicable disease of public health threat. For the purposes of this section, the chief medical person
3061 at a local or state correctional facility or the facility director or his designee shall be responsible for
3062 providing such information to the transporting agency.

3063 | I. Any person who, as a result of this provision, becomes aware of the identity or condition of a
3064 person known to be (i) positive for or to suffer from any communicable disease, or to have suffered
3065 exposure to a communicable disease or (ii) subject to an order of quarantine or an order of isolation
3066 | pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2-~~of this title~~, shall keep such information
3067 confidential, except as expressly authorized by this provision.

3068 | J. No person known to be (i) positive for or to suffer from any communicable disease, including
3069 any communicable disease of public health threat, or (ii) subject to an order of quarantine or an order of
3070 | isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2-~~of this title~~, shall be refused
3071 transportation or service for that reason by an emergency medical services, law-enforcement, or public
3072 safety agency.

3073 | **§ 32.1-283.2. Local and regional child fatality review teams established; membership;**
3074 **authority; confidentiality; immunity.**

3075 | A. Upon the initiative of any local or regional law-enforcement agency, fire department,
3076 department of social services, emergency medical services agency, Commonwealth's attorney's office, or
3077 community services board, local or regional child fatality teams may be established for the purpose of
3078 conducting contemporaneous reviews of local child deaths in order to develop interventions and
3079 strategies for prevention specific to the locality or region. Each team shall establish rules and procedures
3080 to govern the review process. Agencies may share information but shall be bound by confidentiality and
3081 execute a sworn statement to honor the confidentiality of the information they share. Violations shall be
3082 punishable as a Class 3 misdemeanor. The State Child Fatality Review Team shall provide technical
3083 assistance and direction as provided for in subsection A of § 32.1-283.1.

3084 B. Local and regional teams may be composed of the following persons from the localities
3085 represented on a particular board or their designees: a local or regional medical examiner, a local social
3086 services official in charge of child protective services, a director of the relevant local or district health
3087 department, a chief law-enforcement officer, a local fire marshal, a local emergency medical services
3088 agency chief, the attorney for the Commonwealth, an executive director of the local community services
3089 board or other local mental health agency, and such additional persons, not to exceed ~~five~~ four, as may
3090 be appointed to serve by the chairperson of the local or regional team. The chairperson shall be elected
3091 from among the designated membership. The additional members appointed by the chairperson may
3092 include, but are not restricted to, representatives of local human services agencies; local public education
3093 agencies; local pediatricians, psychiatrists and psychologists; and local child advocacy organizations.

3094 C. Each team shall establish local rules and procedures to govern the review process prior to
3095 conducting the first child fatality review. The review of a death shall be delayed until any criminal
3096 investigations connected with the death are completed or the Commonwealth consents to the
3097 commencement of such review prior to the completion of the criminal investigation.

3098 D. All information and records obtained or created regarding the review of a fatality shall be
3099 confidential and shall be excluded from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.)
3100 pursuant to subdivision 9 of § 2.2-3705.5. All such information and records shall be used by the team
3101 only in the exercise of its proper purpose and function and shall not be disclosed. Such information or
3102 records shall not be subject to subpoena, subpoena duces tecum, or discovery or be admissible in any
3103 criminal or civil proceeding. If available from other sources, however, such information and records
3104 shall not be immune from subpoena, subpoena duces tecum, discovery or introduction into evidence
3105 when obtained through such other sources solely because the information and records were presented to
3106 the team during a fatality review. No person who participated in the reviews nor any member of the
3107 team shall be required to make any statement as to what transpired during the review or what
3108 information was collected during the review. Upon the conclusion of the fatality review, all information
3109 and records concerning the victim and the family shall be returned to the originating agency or
3110 destroyed. However, the findings of the team may be disclosed or published in statistical or other form

3111 which shall not identify individuals. The portions of meetings in which individual cases are discussed by
3112 the team shall be closed pursuant to subdivision A 21 of § 2.2-3711. All team members, persons
3113 attending closed team meetings, and persons presenting information and records on specific fatalities to
3114 the team during closed meetings shall execute a sworn statement to honor the confidentiality of the
3115 information, records, discussions, and opinions disclosed during any closed meeting to review a specific
3116 death. Violations of this subsection shall be punishable as a Class 3 misdemeanor.

3117 E. Members of teams, as well as their agents and employees, shall be immune from civil liability
3118 for any act or omission made in connection with participation in a child fatality review team review,
3119 unless such act or omission was the result of gross negligence or willful misconduct. Any organization,
3120 institution, or person furnishing information, data, testimony, reports or records to review teams as part
3121 of such review, shall be immune from civil liability for any act or omission in furnishing such
3122 information, unless such act or omission was the result of gross negligence or willful misconduct.

3123 **§ 32.1-291.12. Search and notification.**

3124 A. The following persons shall make a reasonable search of an individual who the person
3125 reasonably believes is dead or whose death is imminent for a document of gift or other information
3126 identifying the individual as a donor or as an individual who made a refusal:

3127 1. A law-enforcement officer, a firefighter, ~~paramedic emergency medical services personnel~~, or
3128 other emergency rescuer finding the individual; and

3129 2. If no other source of the information is immediately available, a hospital, as soon as practical
3130 after the individual's arrival at the hospital.

3131 B. If a document of gift or a refusal to make an anatomical gift is located by the search required
3132 by subdivision A 1 and the individual or deceased individual to whom it relates is taken to a hospital, the
3133 person responsible for conducting the search shall send the document of gift or refusal to the hospital.

3134 C. A person is not subject to criminal or civil liability for failing to discharge the duties imposed
3135 by this section but may be subject to administrative sanctions.

3136 **§ 33.2-262. (Effective October 1, 2014) Removal of snow from driveways of volunteer fire**
3137 **departments and emergency medical services agencies.**

3138 On the roads under the jurisdiction of the Department, the Department shall remove snow from
3139 the driveways and entrances of volunteer fire departments and volunteer ~~rescue-squad~~emergency
3140 medical services agencies when the chief of any individual volunteer fire department, or ~~the head of any~~
3141 ~~individual~~-volunteer ~~rescue-squad~~emergency medical services agency makes a written request for such
3142 snow removal service, provided that such service shall only be performed when such service can be
3143 performed during the normal course of snow removal activities of the Department without interfering
3144 with, or otherwise inconveniencing, such snow removal activities. Such service shall not extend to any
3145 parking lots adjacent to such driveways and entranceways not normally used by the volunteer fire
3146 department or volunteer ~~rescue-squad-vehicle~~emergency medical services agency as their direct
3147 driveway or entrance.

3148 **§ 33.2-501. (Effective October 1, 2014) Designation of HOV lanes; use of such lanes;**
3149 **penalties.**

3150 A. In order to facilitate the rapid and orderly movement of traffic to and from urban areas during
3151 peak traffic periods, the Board may designate one or more lanes of any highway in the Interstate System,
3152 primary state highway system, or secondary state highway system as HOV lanes. When lanes have been
3153 so designated and have been appropriately marked with signs or other markers as the Board may
3154 prescribe, they shall be reserved during periods designated by the Board for the exclusive use of buses
3155 and high-occupancy vehicles. Any local governing body may also, with respect to highways under its
3156 exclusive jurisdiction, designate HOV lanes and impose and enforce restrictions on the use of such
3157 lanes. Any highway for which the locality receives highway maintenance funds pursuant to § 33.2-319
3158 shall be deemed to be within the exclusive jurisdiction of the local governing body for the purposes of
3159 this section. HOV lanes shall be reserved for high-occupancy vehicles of a specified number of
3160 occupants as determined by the Board or, for HOV lanes designated by a local governing body, by that
3161 local governing body. Notwithstanding the foregoing provisions of this section, no designation of any
3162 lane or lanes of any highway as HOV lanes shall apply to the use of any such lanes by:

3163 1. Emergency vehicles such as firefighting vehicles, ~~ambulances,~~ and ~~rescue-squad~~emergency
3164 medical services vehicles;

- 3165 2. Law-enforcement vehicles;
- 3166 3. Motorcycles;
- 3167 4. a. Transit and commuter buses designed to transport 16 or more passengers, including the
3168 driver;
- 3169 b. Any vehicle operating under a certificate issued under § 46.2-2075, 46.2-2080, 46.2-2096,
3170 46.2-2099.4, or 46.2-2099.44;
- 3171 5. Vehicles of public utility companies operating in response to an emergency call;
- 3172 6. Vehicles bearing clean special fuel vehicle license plates issued pursuant to § 46.2-749.3,
3173 provided such use is in compliance with federal law;
- 3174 7. Taxicabs having two or more occupants, including the driver; or
- 3175 8. (Contingent effective date) Any active duty military member in uniform who is utilizing
3176 Interstate 264 and Interstate 64 for the purposes of traveling to or from a military facility in the Hampton
3177 Roads Planning District.

3178 In the Hampton Roads Planning District, HOV restrictions may be temporarily lifted and HOV
3179 lanes opened to use by all vehicles when restricting use of HOV lanes becomes impossible or
3180 undesirable and the temporary lifting of HOV limitations is indicated by signs along or above the
3181 affected portion of highway.

3182 The Commissioner of Highways shall implement a program of the HOV facilities in the
3183 Hampton Roads Planning District beginning not later than May 1, 2000. This program shall include the
3184 temporary lifting of HOV restrictions and the opening of HOV lanes to all traffic when an incident
3185 resulting from nonrecurring causes within the general lanes occurs such that a lane of traffic is blocked
3186 or is expected to be blocked for 10 minutes or longer. The HOV restrictions for the facility shall be
3187 reinstated when the general lane is no longer blocked and is available for use.

3188 The Commissioner of Highways shall maintain necessary records to evaluate the effects of such
3189 openings on the operation of the general lanes and the HOV lanes. This program will terminate if the
3190 Federal Highway Administration requires repayment of any federal highway construction funds because
3191 of the program's impact on the HOV facilities in Hampton Roads.

3192 B. In designating any lane or lanes of any highway as HOV lanes, the Board or local governing
3193 body shall specify the hour or hours of each day of the week during which the lanes shall be so reserved,
3194 and the hour or hours shall be plainly posted at whatever intervals along the lanes the Board or local
3195 governing body deems appropriate. Any person driving a motor vehicle in a designated HOV lane in
3196 violation of this section is guilty of a traffic infraction, which shall not be a moving violation, and on
3197 conviction shall be fined \$100. However, violations committed within the boundaries of Planning
3198 District 8 shall be punishable as follows:

- 3199 1. For a first offense, by a fine of \$125;
- 3200 2. For a second offense within a period of five years from a first offense, by a fine of \$250;
- 3201 3. For a third offense within a period of five years from a first offense, by a fine of \$500; and
- 3202 4. For a fourth or subsequent offense within a period of five years from a first offense, by a fine
3203 of \$1,000.

3204 Upon a conviction under this section, the court shall furnish to the Commissioner of the
3205 Department of Motor Vehicles in accordance with § 46.2-383 an abstract of the record of such
3206 conviction, which shall become a part of the person's driving record. Notwithstanding the provisions of
3207 § 46.2-492, no driver demerit points shall be assessed for any violation of this section, except that
3208 persons convicted of second, third, fourth, or subsequent violations within five years of a first offense
3209 committed in Planning District 8 shall be assessed three demerit points for each such violation.

3210 C. In the prosecution of an offense, committed in the presence of a law-enforcement officer, of
3211 failure to obey a road sign restricting a highway, or portion thereof, to the use of high-occupancy
3212 vehicles, proof that the vehicle described in the HOV violation summons was operated in violation of
3213 this section, together with proof that the defendant was at the time of such violation the registered owner
3214 of the vehicle, shall constitute in evidence a rebuttable presumption that such registered owner of the
3215 vehicle was the person who committed the violation. Such presumption shall be rebutted if the registered
3216 owner of the vehicle testifies in open court under oath that he was not the operator of the vehicle at the
3217 time of the violation. A summons for a violation of this section may be executed in accordance with §

3218 19.2-76.2. Such rebuttable presumption shall not arise when the registered owner of the vehicle is a
3219 rental or leasing company.

3220 D. Notwithstanding the provisions of § 19.2-76, whenever a summons for a violation of this
3221 section is served in any locality, it may be executed by mailing by first-class mail a copy thereof to the
3222 address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles. If the
3223 summoned person fails to appear on the date of return set out in the summons mailed pursuant to this
3224 section, the summons shall be executed in the manner set out in § 19.2-76.3.

3225 No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for
3226 his failure to appear on the return date of the summons.

3227 E. Notwithstanding § 33.2-613, high-occupancy vehicles having three or more occupants (HOV-
3228 3) may be permitted to use the Omer L. Hirst-Adelard L. Brault Expressway (Dulles Toll Road) without
3229 paying a toll.

3230 F. Notwithstanding the contrary provisions of this section, the following conditions shall be met
3231 before the HOV-2 designation of Interstate Route 66 outside the Capital Beltway can be changed to
3232 HOV-3 or any more restrictive designation:

3233 1. The Department of Transportation shall publish a notice of its intent to change the existing
3234 designation and also immediately provide similar notice of its intent to all members of the General
3235 Assembly representing districts that touch or are directly impacted by traffic on Interstate Route 66.

3236 2. The Department of Transportation shall hold public hearings in the corridor to receive
3237 comments from the public.

3238 3. The Department of Transportation shall make a finding of the need for a change in such
3239 designation, based on public hearings and its internal data, and present this finding to the Board for
3240 approval.

3241 4. The Board shall make written findings and a decision based upon the following criteria:

3242 a. Is changing the HOV-2 designation to HOV-3 in the public interest?

3243 b. Is there quantitative and qualitative evidence that supports the argument that HOV-3 will
3244 facilitate the flow of traffic on Interstate Route 66?

3245 c. Is changing the HOV-2 designation beneficial to comply with the federal Clean Air Act
3246 Amendments of 1990?

3247 **§ 33.2-503. (Effective October 1, 2014) HOT lanes enforcement.**

3248 Any person operating a motor vehicle on designated HOT lanes shall make arrangements with
3249 the HOT lanes operator for payment of the required toll prior to entering such HOT lanes. The driver of
3250 a vehicle who enters the HOT lanes in an unauthorized vehicle, in violation of the conditions for use of
3251 such HOT lanes established pursuant to § 33.2-502, without payment of the required toll or without
3252 having made arrangements with the HOT lanes operator for payment of the required toll shall have
3253 committed a violation of this section, which may be enforced in the following manner:

3254 1. On a form prescribed by the Supreme Court, a summons for civil violation of this section may
3255 be executed by a law-enforcement officer, when such violation is observed by such officer. The form
3256 shall contain the option for the driver of the vehicle to prepay the unpaid toll and all penalties,
3257 administrative fees, and costs.

3258 2. a. A HOT lanes operator shall install and operate, or cause to be installed or operated, a photo-
3259 enforcement system at locations where tolls are collected for the use of such HOT lanes.

3260 b. A summons for civil violation of this section may be executed pursuant to this subdivision,
3261 when such violation is evidenced by information obtained from a photo-enforcement system as defined
3262 in this chapter. A certificate, sworn to or affirmed by a technician employed or authorized by the HOT
3263 lanes operator, or a facsimile of such a certificate, based on inspection of photographs,
3264 microphotographs, videotapes, or other recorded images produced by a photo-enforcement system, shall
3265 be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape,
3266 or other recorded images evidencing such a violation shall be available for inspection in any proceeding
3267 to adjudicate the liability for such violation under this subdivision. Any vehicle rental or vehicle leasing
3268 company, if named in a summons, shall be released as a party to the action if it provides to the HOT
3269 lanes operator a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or
3270 lessee prior to the date of hearing set forth in the summons. Upon receipt of such rental agreement,
3271 lease, or affidavit, a summons shall be issued for the renter or lessee identified therein. Release of this

3272 information shall not be deemed a violation of any provision of the Government Data Collection and
3273 Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection
3274 Act (§ 38.2-600 et seq.).

3275 c. On a form prescribed by the Supreme Court, a summons issued under this subdivision may be
3276 executed pursuant to § 19.2-76.2. Such form shall contain the option for the driver or registered owner to
3277 prepay the unpaid toll and all penalties, administrative fees, and costs. HOT lanes operator personnel or
3278 their agents mailing such summons shall be considered conservators of the peace for the sole and limited
3279 purpose of mailing such summons. Notwithstanding the provisions of § 19.2-76, a summons for a
3280 violation of this section may be executed by mailing by first-class mail a copy thereof to the address of
3281 the owner of the vehicle as shown on the records of the Department of Motor Vehicles or, if the
3282 registered owner has named and provided a valid address for the operator of the vehicle at the time of
3283 the violation in an affidavit executed pursuant to this subdivision, such named operator of the vehicle. If
3284 the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this
3285 section, the summons shall be executed in the manner set out in § 19.2-76.3.

3286 d. The registered owner of such vehicle shall be given reasonable notice by way of a summons as
3287 provided in this subdivision that his vehicle had been used in violation of this section, and such owner
3288 shall be given notice of the time and place of the hearing and notice of the civil penalty and costs for
3289 such offense.

3290 Upon the filing of an affidavit with the court at least 14 days prior to the hearing date by the
3291 registered owner of the vehicle stating that he was not the driver of the vehicle on the date of the
3292 violation and providing the legal name and address of the driver of the vehicle at the time of the
3293 violation, a summons will also be issued to the alleged driver of the vehicle at the time of the offense.
3294 The affidavit shall constitute prima facie evidence that the person named in the affidavit was driving the
3295 vehicle at all the relevant times relating to the matter named in the affidavit.

3296 If the registered owner of the vehicle produces a certified copy of a police report showing that
3297 the vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained

3298 stolen at the time of the alleged offense, then the court shall dismiss the summons issued to the
3299 registered owner of the vehicle.

3300 3. a. The HOT lanes operator may impose and collect an administrative fee in addition to the
3301 unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be
3302 reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. The
3303 operator of the vehicle shall pay the unpaid tolls and any administrative fee detailed in a notice or
3304 invoice issued by a HOT lanes operator. If paid within 30 days of notification, the administrative fee
3305 shall not exceed \$25.

3306 b. Upon a finding by a court of competent jurisdiction that the driver of the vehicle observed by a
3307 law-enforcement officer under subdivision 1 or the vehicle described in the summons for civil violation
3308 issued pursuant to evidence obtained by a photo-enforcement system under subdivision 2 was in
3309 violation of this section, the court shall impose a civil penalty upon the driver of such vehicle issued a
3310 summons under subdivision 1, or upon the driver or registered owner of such vehicle issued a summons
3311 under subdivision 2, payable to the HOT lanes operator as follows: for a first offense, \$50; for a second
3312 offense, \$250; for a third offense within a period of two years of the second offense, \$500; and for a
3313 fourth and subsequent offense within a period of three years of the second offense, \$1,000, together
3314 with, in each case, the unpaid toll, all accrued administrative fees imposed by the HOT lanes operator as
3315 authorized by this section, and applicable court costs. The court shall remand penalties, the unpaid toll,
3316 and administrative fees assessed for violation of this section to the treasurer or director of finance of the
3317 county or city in which the violation occurred for payment to the HOT lanes operator for expenses
3318 associated with operation of the HOT lanes and payments against any bonds or other liens issued as a
3319 result of the construction of the HOT lanes. No person shall be subject to prosecution under both
3320 subdivisions 1 and 2 for actions arising out of the same transaction or occurrence.

3321 c. Upon a finding by a court that a person has violated this section, in the event such person fails
3322 to pay the required penalties, fees, and costs, the court shall notify the Commissioner of the Department
3323 of Motor Vehicles, who shall suspend all of the registration certificates and license plates issued for any
3324 motor vehicles registered solely in the name of such person and shall not issue any registration

3325 certificate or license plate for any other vehicle that such person seeks to register solely in his name until
3326 the court has notified the Commissioner of the Department of Motor Vehicles that such penalties, fees,
3327 and costs have been paid. The HOT lanes operator and the Commissioner of the Department of Motor
3328 Vehicles may enter into an agreement whereby the HOT lanes operator may reimburse the Department
3329 of Motor Vehicles for its reasonable costs to develop, implement, and maintain this enforcement
3330 mechanism, and that specifies that the Commissioner of the Department of Motor Vehicles shall have an
3331 obligation to suspend such registration certificates so long as the HOT lanes operator makes the required
3332 reimbursements in a timely manner in accordance with the agreement.

3333 d. Except as provided in subdivisions 4 and 5, imposition of a civil penalty pursuant to this
3334 section shall not be deemed a conviction as an operator of a motor vehicle under Title 46.2 and shall not
3335 be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be
3336 used for insurance purposes in the provision of motor vehicle insurance coverage.

3337 4. a. The HOT lanes operator may restrict the usage of the HOT lanes to designated vehicle
3338 classifications pursuant to an interim or final comprehensive agreement executed pursuant to § 33.2-
3339 1808 or 33.2-1809. Notice of any such vehicle classification restrictions shall be provided through the
3340 placement of signs or other markers prior to and at all HOT lanes entrances.

3341 b. Any person driving an unauthorized vehicle on the designated HOT lanes is guilty of a traffic
3342 infraction, which shall not be a moving violation, and shall be punishable as follows: for a first offense,
3343 by a fine of \$125; for a second offense within a period of five years from a first offense, by a fine of
3344 \$250; for a third offense within a period of five years from a first offense, by a fine of \$500; and for a
3345 fourth and subsequent offense within a period of five years from a first offense, by a fine of \$1,000.

3346 Upon a conviction under this subdivision, the court shall furnish to the Commissioner of the
3347 Department of Motor Vehicles, in accordance with § 46.2-383, an abstract of the record of such
3348 conviction, which shall become a part of the person's driving record. Notwithstanding the provisions of
3349 § 46.2-492, no driver demerit points shall be assessed for any violation of this subdivision, except that
3350 persons convicted of a second, third, fourth, or subsequent violation within five years of a first offense
3351 shall be assessed three demerit points for each such violation.

3352 5. The driver of a vehicle who enters the HOT lanes by crossing through any barrier, buffer, or
3353 other area separating the HOT lanes from other lanes of travel is guilty of a violation of § 46.2-852,
3354 unless the vehicle is a state or local law-enforcement vehicle, firefighting truck, ~~ambulance,~~ or ~~rescue~~
3355 ~~squad~~ emergency medical services vehicle used in the performance of its official duties. No person shall
3356 be subject to prosecution both under this subdivision and under subdivision 1, 2, or 4 for actions arising
3357 out of the same transaction or occurrence.

3358 Upon a conviction under this subdivision, the court shall furnish to the Commissioner of the
3359 Department of Motor Vehicles in accordance with § 46.2-383 an abstract of the record of such
3360 conviction, which shall become a part of the convicted person's driving record.

3361 6. No person shall be subject to prosecution both under this section and under § 33.2-501, 46.2-
3362 819, or 46.2-819.1 for actions arising out of the same transaction or occurrence.

3363 7. Any action under this section shall be brought in the general district court of the county or city
3364 in which the violation occurred.

3365 **§ 33.2-613. (Effective October 1, 2014) Free use of toll facilities by certain state officers and**
3366 **employees; penalties.**

3367 A. Vehicles transporting two or more persons, including the driver, may be permitted toll-free
3368 use of the Dulles Toll Road during rush hours by the Board; however, notwithstanding the provisions of
3369 subdivision B 1 of § 56-543 said vehicles shall not be permitted toll-free use of a roadway as defined
3370 pursuant to the Virginia Highway Corporation Act of 1988 (§ 56-535 et seq.). Upon presentation of a
3371 toll pass issued pursuant to regulations promulgated by the Board, the following persons may use all toll
3372 bridges, toll ferries, toll tunnels, and toll roads in the Commonwealth without the payment of toll while
3373 in the performance of their official duties:

- 3374 1. The Commissioner of Highways;
- 3375 2. Members of the Commonwealth Transportation Board;
- 3376 3. Employees of the Department of Transportation;
- 3377 4. The Superintendent of the Department of State Police;
- 3378 5. Officers and employees of the Department of State Police;

- 3379 6. Members of the Alcoholic Beverage Control Board;
- 3380 7. Employees of the regulatory and hearings divisions of the Department of Alcoholic Beverage
- 3381 Control and special agents of the Department of Alcoholic Beverage Control;
- 3382 8. The Commissioner of the Department of Motor Vehicles;
- 3383 9. Employees of the Department of Motor Vehicles;
- 3384 10. Local police officers;
- 3385 11. Sheriffs and their deputies;
- 3386 12. Regional jail officials;
- 3387 13. Animal wardens;
- 3388 14. The Director and officers of the Department of Game and Inland Fisheries;
- 3389 15. Persons operating firefighting equipment and ambulances emergency medical services
- 3390 vehicles owned by a political subdivision of the Commonwealth or a nonprofit association or
- 3391 corporation;
- 3392 16. Operators of school buses being used to transport pupils to or from schools;
- 3393 17. Operators of (i) commuter buses having a capacity of 20 or more passengers, including the
- 3394 driver, and used to regularly transport workers to and from their places of employment and (ii) public
- 3395 transit buses;
- 3396 18. Employees of the Department of Rail and Public Transportation;
- 3397 19. Employees of any transportation facility created pursuant to the Virginia Highway
- 3398 Corporation Act of 1988; and
- 3399 20. Law-enforcement officers of the Virginia Marine Resources Commission.
- 3400 B. Notwithstanding the provision of subsection A requiring presentation of a toll pass for toll-
- 3401 free use of such facilities, in cases of emergency and circumstances of concern for public safety on the
- 3402 highways of the Commonwealth, the Department of Transportation shall, in order to alleviate an actual
- 3403 or potential threat or risk to the public's safety, facilitate the flow of traffic on or within the vicinity of
- 3404 the toll facility by permitting the temporary suspension of toll collection operations on its facilities.

3405 1. The assessment of the threat to public safety shall be performed and the decision temporarily
3406 to suspend toll collection operations shall be made by the Commissioner of Highways or his designee.

3407 2. Major incidents that may require the temporary suspension of toll collection operations shall
3408 include (i) natural disasters such as hurricanes, tornadoes, fires, and floods; (ii) accidental releases of
3409 hazardous materials such as chemical spills; (iii) major traffic accidents, such as multivehicle collisions;
3410 and (iv) other incidents deemed to present a risk to public safety.

3411 3. In any judicial proceeding in which a person is found to be criminally responsible or civilly
3412 liable for any incident resulting in the suspension of toll collections as provided in this subsection, the
3413 court may assess against the person an amount equal to lost toll revenue as a part of the costs of the
3414 proceeding and order that such amount, not to exceed \$2,000 for any individual incident, be paid to the
3415 Department of Transportation for deposit into the toll road fund.

3416 C. Any tollgate keeper who refuses to permit the persons listed in subsection A to use any toll
3417 bridge, toll ferry, toll tunnel, or toll road upon presentation of such a toll pass is guilty of a misdemeanor
3418 punishable by a fine of not more than \$50 and not less than \$2.50. Any person other than those listed in
3419 subsection A who exhibits any such toll pass for the purpose of using any toll bridge, toll ferry, toll
3420 tunnel, or toll road is guilty of a Class 1 misdemeanor.

3421 D. Any vehicle operated by the holder of a valid driver's license issued by the Commonwealth or
3422 any other state shall be allowed free use of all toll bridges, toll roads, and other toll facilities in the
3423 Commonwealth if:

3424 1. The vehicle is specially equipped to permit its operation by a handicapped person;

3425 2. The driver of the vehicle has been certified, either by a physician licensed by the
3426 Commonwealth or any other state or by the Adjudication Office of the U.S. Department of Veterans
3427 Affairs, as being severely physically disabled and having permanent upper limb mobility or dexterity
3428 impairments that substantially impair his ability to deposit coins in toll baskets;

3429 3. The driver has applied for and received from the Department of Transportation a vehicle
3430 window sticker identifying him as eligible for such free passage; and

3431 4. Such identifying window sticker is properly displayed on the vehicle.

3432 A copy of this subsection shall be posted at all toll bridges, toll roads, and other toll facilities in
3433 the Commonwealth. The Department of Transportation shall provide envelopes for payments of tolls by
3434 those persons exempted from tolls pursuant to this subsection and shall accept any payments made by
3435 such persons.

3436 E. Nothing contained in this section or in § 33.2-612 or 33.2-1718 shall operate to affect the
3437 provisions of § 22.1-187.

3438 F. Notwithstanding the provisions of subsections A, B, and C, only the following persons may
3439 use the Chesapeake Bay Bridge-Tunnel, facilities of the Richmond Metropolitan Transportation
3440 Authority, or facilities of an operator authorized to operate a toll facility pursuant to the Public-Private
3441 Transportation Act of 1995 (§ 33.2-1800 et seq.) without the payment of toll when necessary and
3442 incidental to the conduct of official business:

- 3443 1. The Commissioner of Highways;
- 3444 2. Members of the Commonwealth Transportation Board;
- 3445 3. Employees of the Department of Transportation;
- 3446 4. The Superintendent of the Department of State Police;
- 3447 5. Officers and employees of the Department of State Police;
- 3448 6. The Commissioner of the Department of Motor Vehicles;
- 3449 7. Employees of the Department of Motor Vehicles; and
- 3450 8. Sheriffs and deputy sheriffs.

3451 G. Any vehicle operated by a quadriplegic driver shall be allowed free use of all toll facilities in
3452 Virginia controlled by the Richmond Metropolitan Transportation Authority, pursuant to the
3453 requirements of subdivisions D 1 through 4.

3454 **§ 35.1-25. Exemptions.**

3455 The provisions of this title applicable to restaurants shall not apply to:

- 3456 1. Boardinghouses that do not accommodate transients;
- 3457 2. Cafeterias operated by industrial plants for employees only;

3458 3. Churches; fraternal or school organizations; organizations that are exempt from taxation under
3459 § 501(c)(3) of the Internal Revenue Code; and volunteer fire departments and ~~rescue squads~~ volunteer
3460 emergency medical services agencies that hold occasional dinners, bazaars, and other fund-raisers of one
3461 or two days' duration, at which food (i) prepared in the homes of members; (ii) prepared in the kitchen
3462 of the church, school, or organization; or (iii) purchased or donated from a restaurant licensed pursuant
3463 to Chapter 3 (§ 35.1-18 et seq.) is offered for sale to the public. Restaurants licensed pursuant to Chapter
3464 3 that donate or sell food to the entities identified in this subdivision shall not be required to apply for
3465 any additional permits from, or pay any additional permit application fees to, the Department for the
3466 proposed occasional dinner, bazaar, or other fund raiser;

3467 4. Grocery stores, including the delicatessen portion that is a part of a grocery store selling
3468 exclusively for off-premises consumption, and places manufacturing or selling packaged or canned
3469 goods;

3470 5. Churches that serve meals consisting of food prepared in the homes of members or in the
3471 kitchen of the church or purchased or donated from a restaurant licensed pursuant to Chapter 3 (§ 35.1-
3472 18 et seq.) for their members or their invited guests;

3473 6. Convenience stores or gas stations that are subject to the Department of Agriculture and
3474 Consumer Services' Retail Food Establishment Regulations or any regulations subsequently adopted and
3475 that (i) have 15 or fewer seats at which food is served to the public on the premises of the convenience
3476 store or gas station and (ii) are not associated with a national or regional restaurant chain.
3477 Notwithstanding this exemption, such convenience stores or gas stations shall remain responsible for
3478 collecting any applicable local meals tax; or

3479 7. Concession stands at youth athletic activities, if such stands are promoted or sponsored by a
3480 youth athletic association or by any charitable nonprofit organization or group thereof that has been
3481 recognized as being a part of the recreational program of the political subdivision where the association
3482 or organization is located by an ordinance or resolution of such political subdivision.

3483 **§ 38.2-1904. Rate standards.**

3484 A. Rates for the classes of insurance to which this chapter applies shall not be excessive,
3485 inadequate, or unfairly discriminatory. All rates and all changes and amendments to rates to which this
3486 chapter applies for use in this Commonwealth shall consider loss experience and other factors within
3487 Virginia if relevant and actuarially sound; provided, that other data, including countrywide, regional, or
3488 other state data, may be considered where such data is relevant and where a sound actuarial basis exists
3489 for considering data other than Virginia-specific data.

3490 1. No rate shall be held to be excessive unless it is unreasonably high for the insurance provided
3491 and a reasonable degree of competition does not exist in the area with respect to the classification to
3492 which the rate applies.

3493 2. No rate shall be held inadequate unless it is unreasonably low for the insurance provided and
3494 (i) continued use of it would endanger solvency of the insurer or (ii) use of the rate by the insurer has or,
3495 if continued, will have the effect of destroying competition or creating a monopoly.

3496 3. No rate shall be unfairly discriminatory if a different rate is charged for the same coverage and
3497 the rate differential (i) is based on sound actuarial principles or (ii) is related to actual or reasonably
3498 anticipated experience.

3499 B. 1. In determining whether rates comply with the standards of subsection A ~~of this section~~,
3500 separate consideration shall be given to (i) past and prospective loss experience within and outside this
3501 Commonwealth, (ii) conflagration or catastrophe hazards, (iii) a reasonable margin for underwriting
3502 profit and contingencies, (iv) dividends, savings or unabsorbed premium deposits allowed or returned by
3503 insurers to their policyholders, members or subscribers, (v) past and prospective expenses both
3504 countrywide and those specifically applicable to this Commonwealth, (vi) the loss reserving practices,
3505 standards and procedures utilized by the insurer, (vii) investment income earned or realized by insurers
3506 from their unearned premium and loss reserve and the Commission may give separate consideration to
3507 investment income earned on surplus funds, and (viii) all other relevant factors within and outside this
3508 Commonwealth. When actual experience or data does not exist, the Commission may consider
3509 estimates.

3510 2. In the case of fire insurance rates, consideration shall be given to the experience of the fire
3511 insurance business during a period of not less than the most recent five-year period for which such
3512 experience is available.

3513 3. In the case of workers' compensation insurance rates for volunteer firefighters or volunteer
3514 ~~lifesaving or volunteer rescue squad members~~ emergency medical services personnel, the rates shall be
3515 calculated based upon the combined experience of both volunteer firefighters or volunteer ~~lifesaving or~~
3516 ~~volunteer rescue squad members~~ emergency medical services personnel and paid firefighters or paid
3517 ~~lifesaving or paid rescue squad members~~ emergency medical services personnel, so that the resulting
3518 rate is the same for both volunteer and paid members, but in no event shall resulting premiums be less
3519 than ~~forty dollars~~ \$40 per year for any volunteer firefighter or ~~rescue squad member~~ volunteer
3520 emergency medical services personnel.

3521 4. In the case of uninsured motorist coverage required by subsection A of § 38.2-2206,
3522 consideration shall be given to all sums distributed by the Commission from the Uninsured Motorists
3523 Fund in accordance with the provisions of Chapter 30 (§ 38.2-3000 et seq.) ~~of this title~~.

3524 C. For the classes of insurance to which this chapter applies, including insurance against
3525 contingent, consequential and indirect losses as defined in § 38.2-133 (i) the systems of expense
3526 provisions included in the rates for use by any insurer or group of insurers may differ from those of
3527 other insurers or groups of insurers to reflect the requirements of the operating methods of any such
3528 insurer or group for any class of insurance, or with respect to any subdivision or combination of
3529 insurance for which separate expense provisions are applicable, and (ii) risks may be grouped by
3530 classifications for the establishment of rates and minimum premiums. Classification rates may be
3531 modified to produce rates for individual risks in accordance with rating plans that establish standards for
3532 measuring variations in hazards, expense provisions, or both. The standards may measure any difference
3533 between risks that can be demonstrated to have a probable effect upon losses or expenses.
3534 Notwithstanding any other provision of this subsection, except as permitted by § 38.2-1908, each
3535 member of a rate service organization shall use the uniform classification system, uniform experience

3536 rating plan, and uniform statistical plan of its designated rate service organization in the provision of
3537 insurance defined in § 38.2-119.

3538 D. No insurer shall use any information pertaining to any motor vehicle conviction or accident to
3539 produce increased or surcharged rates above their filed manual rates for individual risks for a period
3540 longer than ~~thirty-six~~ 36 months. This period shall begin no later than ~~twelve~~ 12 months after the date of
3541 the conviction or accident.

3542 E. Each authorized insurer subject to the provisions of this chapter may file with the Commission
3543 an expense reduction plan that permits variations in expense provisions. Such filing may contain
3544 provisions permitting agents to reduce their commission resulting in an appropriate reduction in
3545 premium. Nothing in this section shall be construed to require an agent to reduce a commission, nor may
3546 an insurer unreasonably refuse to reduce a premium due to a commission reduction as permitted by its
3547 filed expense reduction plan.

3548 **§ 38.2-2005. Provisions governing making of rates.**

3549 A. Rates for the classes of insurance to which this chapter applies shall not be excessive,
3550 inadequate, or unfairly discriminatory. All rates and all changes and amendments to rates to which this
3551 chapter applies for use in this Commonwealth shall consider loss experience and other factors within
3552 Virginia if relevant and actuarially sound; however, other data, including countrywide, regional or other
3553 state data, may be considered where such data is relevant and where a sound actuarial basis exists for
3554 considering data other than Virginia-specific data.

3555 B. 1. In making rates for the classes of insurance to which this chapter applies, separate
3556 consideration shall be given to (i) past and prospective loss experience within and outside this
3557 Commonwealth, (ii) conflagration or catastrophe hazards, (iii) a reasonable margin for underwriting
3558 profit and contingencies, (iv) dividends, savings or unabsorbed premium deposits allowed or returned by
3559 insurers to their policyholders, members or subscribers, (v) past and prospective expenses both
3560 countrywide and those specifically applicable to this Commonwealth, (vi) investment income earned or
3561 realized by insurers from their unearned premium and loss reserve and the Commission may give
3562 separate consideration to investment income earned on surplus funds, (vii) the loss reserving practices,

3563 standards and procedures utilized by the insurer, and (viii) all other relevant factors within and outside
3564 this Commonwealth. When actual experience or data does not exist, the Commission may consider
3565 estimates.

3566 2. In the case of fire insurance rates, consideration shall be given to the experience of the fire
3567 insurance business during a period of not less than the most recent five-year period for which such
3568 experience is available.

3569 3. [Repealed.]

3570 In the case of workers' compensation insurance rates for volunteer firefighters or volunteer
3571 ~~lifesaving or volunteer rescue squad members~~ emergency medical services personnel written through the
3572 Virginia Worker's Compensation Insurance Plan, the rates shall be calculated based upon the combined
3573 experience of both volunteer firefighters or volunteer ~~lifesaving or volunteer rescue squad~~
3574 ~~members~~ emergency medical services personnel and paid firefighters or paid ~~lifesaving or paid rescue~~
3575 ~~squad members~~ emergency medical services personnel, so that the resulting rate is the same for both
3576 volunteer and paid members, but in no event shall resulting premiums be less than ~~forty dollars~~ \$40 per
3577 year for any volunteer firefighter or ~~rescue squad member~~ volunteer emergency medical services
3578 personnel.

3579 C. For the classes of insurance to which this chapter applies (i) the systems of expense provisions
3580 included in the rates for use by any insurer or group of insurers may differ from those of other insurers
3581 or groups of insurers to reflect the requirements of the operating methods of any such insurer or group
3582 for any class of insurance, or for any subdivision or combination of insurance for which separate
3583 expense provisions apply, and (ii) risks may be grouped by classifications for the establishment of rates
3584 and minimum premiums. Classification rates may be modified to produce rates for individual risks in
3585 accordance with rating plans that establish standards for measuring variations in hazards, expense
3586 provisions, or both. The standards may measure any difference among risks that can be demonstrated to
3587 have a probable effect upon losses or expenses.

3588 D. All rates, rating schedules or rating plans and every manual of classifications, rules and rates,
3589 including every modification thereof, approved by the Commission under this chapter, shall be used
3590 until a change is approved by the Commission.

3591 **§ 38.2-2201. Provisions for payment of medical expense and loss of income benefits;**
3592 **assignment of certain benefits.**

3593 A. Upon request of an insured, each insurer licensed in this Commonwealth issuing or delivering
3594 any policy or contract of bodily injury or property damage liability insurance covering liability arising
3595 from the ownership, maintenance or use of any motor vehicle shall provide on payment of the premium,
3596 as a minimum coverage (i) to persons occupying the insured motor vehicle; and (ii) to the named insured
3597 and, while resident of the named insured's household, the spouse and relatives of the named insured
3598 while in or upon, entering or alighting from or through being struck by a motor vehicle while not
3599 occupying a motor vehicle, the following health care and disability benefits for each accident:

3600 1. All reasonable and necessary expenses for medical, chiropractic, hospital, dental, surgical,
3601 ambulance, prosthetic and rehabilitation services, emergency medical services vehicle transportation
3602 services, and funeral expenses, resulting from the accident and incurred within three years after the date
3603 of the accident, up to \$2,000 per person; however, if the insured does not elect to purchase such limit the
3604 insurer and insured may agree to any other limit;

3605 2. If the person is usually engaged in a remunerative occupation, an amount equal to the loss of
3606 income incurred after the date of the accident resulting from injuries received in the accident up to \$100
3607 per week during the period from the first workday lost as a result of the accident up to the date the
3608 person is able to return to his usual occupation. However, the period shall not extend beyond one year
3609 from the date of the accident; and

3610 3. An expense described in subdivision 1 shall be deemed to have been incurred:
3611 a. If the insured is directly responsible for payment of the expense;
3612 b. If the expense is paid by (i) a health care insurer pursuant to a negotiated contract with the
3613 health care provider or (ii) Medicaid or Medicare, where the actual payment with reference to the
3614 medical bill rendered by the provider is less than or equal to the provider's usual and customary fee, in

3615 the amount of the actual payment as evidenced by an explanation of benefits, remittance advice, or
3616 similar documentation from the health care provider; however, if the insured is required to make a
3617 payment in addition to the actual payment by the health care insurer or Medicaid or Medicare, the
3618 amount shall be increased by the payment made by the insured; or

3619 c. If no medical bill is rendered or specific charge made by a health care provider to the insured,
3620 an insurer, or any other person, in the amount of the usual and customary fee charged in that community
3621 for the service rendered.

3622 B. The insured has the option of purchasing either or both of the coverages set forth in
3623 subdivisions A 1 and A 2. Either or both of the coverages, as well as any other medical expense or loss
3624 of income coverage under any policy of automobile liability insurance, shall be payable to the covered
3625 injured person or pursuant to an assignment of benefits in accordance with subsection D,
3626 notwithstanding the failure or refusal of the named insured or other person entitled to the coverage to
3627 give notice to the insurer of an accident as soon as practicable under the terms of the policy, except
3628 where the failure or refusal prejudices the insurer in establishing the validity of the claim.

3629 C. In any policy of personal automobile insurance in which the insured has purchased coverage
3630 under subsection A, every insurer providing such coverage arising from the ownership, maintenance or
3631 use of no more than four motor vehicles shall be liable to pay up to the maximum policy limit available
3632 on every motor vehicle insured under that coverage if the health care or disability expenses and costs
3633 mentioned in subsection A exceed the limits of coverage for any one motor vehicle so insured.

3634 D. Any attempt to assign medical expense benefits shall be subject to the following:

3635 1. An assignment of medical expense benefits shall be valid only if:

3636 a. A copy of the AOB form, executed by the assignor and in compliance with the other
3637 requirements of subdivision D 1 and a copy of the notice complying with subdivision g if such notice is
3638 provided in a separate document pursuant to subdivision e, is provided to the motor vehicle insurer;

3639 b. The AOB form is (i) in writing, which includes any printed or electronic format, (ii) dated, and
3640 (iii) executed by the assignor;

3641 c. The AOB form includes a conspicuous statement that the assignor is not required to execute
3642 the AOB form;

3643 d. If the AOB form includes a notice that complies with the provisions of subdivision g, the AOB
3644 form is signed, initialed, or otherwise marked by the assignor, at or near the notice provision, to
3645 acknowledge that the assignor has read, or had the opportunity to read, the notice;

3646 e. If the AOB form does not include a notice that complies with the provisions of subdivision g,
3647 (i) the assignor is given a separate document, in any printed or electronic format, that is delivered to the
3648 assignor at the same time as the AOB form and that contains a notice that complies with the provisions
3649 of subdivision g; (ii) the AOB form includes a conspicuous statement that a notice regarding the
3650 assignment of medical expense benefits is provided in a separate document; and (iii) the AOB form is
3651 signed, initialed, or otherwise marked by the assignor at or near the statement described in clause (ii) to
3652 acknowledge that the assignor has read, or had the opportunity to read, the separate document containing
3653 the notice;

3654 f. The statements required by subdivision D 1 to be included in the AOB form or a separate
3655 document, including the notice prescribed by subdivision g, are in not less than eight-point type; and

3656 g. The assignor is provided, either in the AOB form or in a separate document, a notice that
3657 summarizes the effect of the assignment of medical expense benefits, which notice states the following:

3658 "Notice: automobile accident patients

3659 If you have been in an automobile accident, you may be entitled to payment from your
3660 automobile insurance if you have medical expense benefits coverage. By signing this assignment of
3661 benefits form you are giving to your health care provider the right to receive some or all of that payment
3662 directly from your automobile insurance company.

3663 If you have health insurance and your healthcare provider is in-network: as long as you provide
3664 information necessary to verify your health insurance coverage the healthcare provider may only bill the
3665 amount you owe for any copayment, coinsurance, or deductibles to your automobile insurance and you
3666 may be entitled to any remainder of your automobile insurance benefit.

3667 If you do not provide information necessary to verify your health insurance coverage, do not
3668 have health insurance, or your healthcare provider is not in your health insurer's provider network: your
3669 health care provider may bill their full charges to your automobile insurance.

3670 You may want to consult your insurance agent or attorney before signing or initialing this form.
3671 You are not required to sign/initial this form to receive care.";

3672 2. Upon receipt of a copy of an AOB form that satisfies the requirements of subdivision D 1 and
3673 (i) an explanation of benefits or remittance advice or (ii) a bill, claim form, or documentation from the
3674 assignee advising that it has been represented to the assignee that the covered injured person does not
3675 have health insurance or is covered by a self-insured or self-funded employee welfare benefit plan
3676 subject to the Employee Retirement Income Security Act of 1974 which requires medical expense
3677 coverage to be primary, a motor vehicle insurer shall pay directly to the health care provider, from any
3678 medical expense benefits available to such person under a motor vehicle insurance policy:

3679 a. If the covered injured person is covered under a health care policy, the health care provider is
3680 an in-network provider, and the health care provider has submitted its claim to the health insurer for the
3681 health care services, the amount of any copayments, coinsurance, or deductibles owed by the injured
3682 covered person to the health care provider, as evidenced by an explanation of benefits, remittance
3683 advice, or similar documentation provided to the motor vehicle insurer; or

3684 b. If (i) the covered injured person is not covered under a health care policy, (ii) the covered
3685 injured person is covered by a self-insured or self-funded employee welfare benefit plan subject to the
3686 Employee Retirement Income Security Act of 1974 which requires medical expense coverage to be
3687 primary, or (iii) the health care provider is not an in-network provider, amounts to cover the cost of the
3688 health care services provided, in the amount of the usual and customary fee charged in that community
3689 for the health care services rendered;

3690 3. A motor vehicle insurer shall in all respects be held harmless for making payments pursuant to
3691 subdivision D 2 to a health care provider in accordance with an assignment of benefits that satisfies the
3692 requirements of subdivision D 1;

3693 4. A covered injured person shall not be required to assign to any person any medical expense
3694 benefits he may have under this section, including any assignment of the proceeds of such coverages;

3695 5. An assignment of medical expense benefits shall be void and unenforceable as against public
3696 policy if the assignment does not comply with the requirements of subdivision D 1;

3697 6. Medical expense benefits may not be reduced because of any benefits paid, payable, or
3698 provided by any insurance contract providing hospital, medical, surgical, and similar or related benefits,
3699 or any subscription contract or health services plan delivered or issued for delivery or providing for the
3700 payment of benefits to or on behalf of persons residing in or employed in the Commonwealth, except as
3701 authorized by this section; and

3702 7. Nothing in this section shall prohibit the payment of medical expense benefits due to the
3703 covered injured person directly to any state or federal assistance program that has provided medical
3704 benefits to such injured person when the injury arose out of the ownership, maintenance, or use of any
3705 motor vehicle.

3706 E. As used in subsection D:

3707 "AOB form" means the document or instrument that contains a provision by which the assignor
3708 assigns medical expense benefits, including any assignment of the proceeds of such coverages, to an
3709 assignee. The AOB form may be a separate instrument or included in another instrument, including a
3710 consent form or a form assigning other benefits.

3711 "Assignee" means the health care provider to which the assignor is assigning medical expense
3712 benefits, including any assignment of the proceeds of such coverages.

3713 "Assignor" means the covered injured person or a person authorized to consent on the covered
3714 injured person's behalf.

3715 "Health care policy" means any health care plan, subscription contract, evidence of coverage,
3716 certificate, health services plan, medical or hospital services plan, accident and sickness insurance policy
3717 or certificate, or other similar certificate, policy, contract, or arrangement, and any endorsement or rider
3718 thereto, offered, arranged, issued, or administered by a health insurer to an individual or a group contract
3719 holder to cover all or a portion of the cost of individuals, or their eligible dependents, receiving covered

3720 health care services. Health care policy includes coverages issued pursuant to (i) Chapter 28 (§ 2.2-2800
3721 et seq.) of Title 2.2 (state employees); (ii) § 2.2-1204 (local choice); (iii) 5 U.S.C. § 8901 et seq. (federal
3722 employees); and (iv) an employee welfare benefit plan as defined in 29 U.S.C. § 1002(1) of the
3723 Employee Retirement Income Security Act of 1974 that is self-insured or self-funded. Health care policy
3724 does not include (a) coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §
3725 1395 et seq. (Medicare); Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid), or
3726 Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP); or Chapter 55 of Title 10 of the
3727 United States Code, 10 U.S.C. § 1071 et seq. (TRICARE); (b) subscription contracts for one or more
3728 dental or optometric services plans that are subject to Chapter 45 (§ 38.2-4500 et seq.); (c) insurance
3729 policies that provide coverage, singly or in combination, for death, dismemberment, disability, or
3730 hospital and medical care caused by or necessitated as a result of accident or specified kinds of
3731 accidents, including student accident, sports accident, blanket accident, specific accident, and accidental
3732 death and dismemberment policies; (d) credit life insurance and credit accident and sickness insurance
3733 issued pursuant to Chapter 37.1 (§ 38.2-3717 et seq.) of Title 38.2; (e) insurance policies that provide
3734 payments when an insured is disabled or unable to work because of illness, disease, or injury, including
3735 incidental benefits; (f) long-term care insurance as defined in § 38.2-5200; (g) plans providing only
3736 limited health care services under § 38.2-4300 unless offered by endorsement or rider to a group health
3737 benefit plan; (h) TRICARE supplement, Medicare supplement, and workers' compensation coverages; or
3738 (i) medical expense coverage issued pursuant to this section.

3739 "Health care provider" has the same meaning that is ascribed to that term in § 8.01-581.1.

3740 "Health care services" means items or services furnished to any individual for the purpose of
3741 preventing, alleviating, curing, or healing human illness, injury, or physical disability.

3742 "Health insurer" means any entity that is the issuer or sponsor of a health care policy.

3743 "In-network provider" means a health care provider that is employed by or has entered into a
3744 provider agreement with the health insurer that has issued the health care policy, under which applicable
3745 agreement the health care provider has agreed to provide health care services to covered patients.

3746 "Medical expense benefits" means the benefits of coverages described in subdivision A 1,
3747 including any assignment of the proceeds of such coverages.

3748 "Motor vehicle insurer" means the insurer issuing or delivering a policy or contract covering
3749 liability arising from the ownership, maintenance, or use of any motor vehicle that provides coverage for
3750 medical expense benefits.

3751 "Person authorized to consent on the covered injured person's behalf" means any person
3752 authorized by law to consent on behalf of the covered injured person incapable of making an informed
3753 decision or, in the case of a minor child, the parent or parents having custody of the child or the child's
3754 legal guardian or as otherwise provided by law.

3755 "Provider agreement" means a contract, agreement, or arrangement between a health care
3756 provider and a health insurer, or a health insurer's network, provider panel, intermediary, or
3757 representative, under which the health care provider has agreed to provide health care services to
3758 patients with coverage under a health care policy issued by the health insurer and to accept payment
3759 from the health insurer for the health care services provided.

3760 **§ 38.2-2202. Required notice of optional coverage available.**

3761 A. No original premium notice for insurance covering liability arising out of the ownership,
3762 maintenance, or use of any motor vehicle shall be issued or delivered unless it contains on the front of
3763 the premium notice or unless there is enclosed with the premium notice, in boldface type, the following
3764 statement:

3765 IMPORTANT NOTICE

3766 IN ADDITION TO THE MINIMUM INSURANCE REQUIRED BY LAW, YOU MAY
3767 PURCHASE ADDITIONAL INSURANCE COVERAGE FOR THE NAMED INSURED AND FOR
3768 HIS RELATIVES WHO ARE MEMBERS OF HIS HOUSEHOLD WHILE IN OR UPON, ENTERING
3769 OR ALIGHTING FROM A MOTOR VEHICLE, OR THROUGH BEING STRUCK BY A MOTOR
3770 VEHICLE WHILE NOT OCCUPYING A MOTOR VEHICLE, AND FOR OCCUPANTS OF THE
3771 INSURED MOTOR VEHICLE. THE FOLLOWING HEALTH CARE AND DISABILITY BENEFITS
3772 ARE AVAILABLE FOR EACH ACCIDENT:

3773 1. PAYMENT OF UP TO \$2,000 PER PERSON FOR ALL REASONABLE AND
3774 NECESSARY EXPENSES FOR MEDICAL, CHIROPRACTIC, HOSPITAL, DENTAL, SURGICAL,
3775 ~~AMBULANCE~~, PROSTHETIC AND REHABILITATION SERVICES, EMERGENCY MEDICAL
3776 SERVICES VEHICLE TRANSPORTATION SERVICES, AND FUNERAL EXPENSES RESULTING
3777 FROM THE ACCIDENT AND INCURRED WITHIN THREE YEARS AFTER THE DATE OF THE
3778 ACCIDENT. HOWEVER, IF YOU DO NOT PURCHASE THE \$2,000 LIMIT OF COVERAGE, YOU
3779 AND THE COMPANY MAY AGREE TO ANY OTHER LIMIT; AND

3780 2. AN AMOUNT EQUAL TO THE LOSS OF INCOME UP TO \$100 PER WEEK IF THE
3781 INJURED PERSON IS ENGAGED IN AN OCCUPATION FOR WHICH HE RECEIVES
3782 COMPENSATION, FROM THE FIRST WORKDAY LOST AS A RESULT OF THE ACCIDENT UP
3783 TO THE DATE THE PERSON IS ABLE TO RETURN TO HIS USUAL OCCUPATION. SUCH
3784 PAYMENTS ARE LIMITED TO A PERIOD EXTENDING ONE YEAR FROM THE DATE OF THE
3785 ACCIDENT.

3786 IF YOU DESIRE TO PURCHASE EITHER OR BOTH OF THESE COVERAGES AT AN
3787 ADDITIONAL PREMIUM, YOU MAY DO SO BY CONTACTING THE AGENT OR COMPANY
3788 THAT ISSUED YOUR POLICY.

3789 The insurer issuing the premium notice shall inform the insured by any reasonable means of
3790 communication of the approximate premium for the additional coverage.

3791 B. No new policy or original premium notice of insurance covering liability arising out of the
3792 ownership, maintenance, or use of any motor vehicle shall be issued or delivered unless it contains the
3793 following statement printed in boldface type, or unless the statement is attached to the front of or is
3794 enclosed with the policy or premium notice:

3795 IMPORTANT NOTICE

3796 IN ADDITION TO THE INSURANCE COVERAGE REQUIRED BY LAW TO PROTECT
3797 YOU AGAINST A LOSS CAUSED BY AN UNINSURED MOTORIST, IF YOU HAVE
3798 PURCHASED LIABILITY INSURANCE COVERAGE THAT IS HIGHER THAN THAT
3799 REQUIRED BY LAW TO PROTECT YOU AGAINST LIABILITY ARISING OUT OF THE

3800 OWNERSHIP, MAINTENANCE, OR USE OF THE MOTOR VEHICLES COVERED BY THIS
3801 POLICY, AND YOU HAVE NOT ALREADY PURCHASED UNINSURED MOTORIST
3802 INSURANCE COVERAGE EQUAL TO YOUR LIABILITY INSURANCE COVERAGE :

3803 1. YOUR UNINSURED AND UNDERINSURED MOTORIST INSURANCE COVERAGE
3804 HAS INCREASED TO THE LIMITS OF YOUR LIABILITY COVERAGE AND THIS INCREASE
3805 WILL COST YOU AN EXTRA PREMIUM CHARGE; AND

3806 2. YOUR TOTAL PREMIUM CHARGE FOR YOUR MOTOR VEHICLE INSURANCE
3807 COVERAGE WILL INCREASE IF YOU DO NOT NOTIFY YOUR AGENT OR INSURER OF
3808 YOUR DESIRE TO REDUCE COVERAGE WITHIN 20 DAYS OF THE MAILING OF THE
3809 POLICY OR THE PREMIUM NOTICE, AS THE CASE MAY BE. THE INSURER MAY REQUIRE
3810 THAT SUCH A REQUEST TO REDUCE COVERAGE BE IN WRITING.

3811 3. IF THIS IS A NEW POLICY AND YOU HAVE ALREADY SIGNED A WRITTEN
3812 REJECTION OF SUCH HIGHER LIMITS IN CONNECTION WITH IT, PARAGRAPHS 1 AND 2
3813 OF THIS NOTICE DO NOT APPLY.

3814 After ~~twenty~~ 20 days, the insurer shall be relieved of the obligation imposed by this subsection to
3815 attach or imprint the foregoing statement to any subsequently delivered renewal policy, extension
3816 certificate, other written statement of coverage continuance, or to any subsequently mailed premium
3817 notice.

3818 **§ 38.2-3407.9. Reimbursement for emergency medical services vehicle transportation**
3819 **services.**

3820 A. If an accident and sickness insurance policy provides coverage for ~~ambulance-emergency~~
3821 medical services vehicle transportation services, any person providing such services to a person covered
3822 under such policy shall receive reimbursement for such services directly from the issuer of such policy,
3823 when the issuer of such policy is presented with an assignment of benefits by the person providing such
3824 services.

3825 B. No (i) insurer proposing to issue individual or group accident and sickness insurance policies
3826 providing hospital, medical and surgical or major medical coverage on an expense-incurred basis, (ii)

3827 corporation providing individual or group accident and sickness subscription contracts, or (iii) health
3828 maintenance organization providing a health care plan for health care services shall establish or promote
3829 an emergency medical response and transportation system that encourages or directs access by a person
3830 covered under such policy, contract or plan in competition with or in substitution of an emergency 911
3831 system or other state, county or municipal emergency medical system for ~~ambulance emergency medical~~
3832 ~~services vehicle transportation~~ services. An entity subject to this subsection may use transportation
3833 outside an emergency 911 system or other state, county or municipal emergency medical system for
3834 services that are not ~~ambulance emergency medical services vehicle transportation~~ services.

3835 C. For the purposes of this section, "~~ambulance emergency medical services vehicle~~
3836 ~~transportation~~ services" means the transportation of any person requiring resuscitation or emergency
3837 relief or where human life is endangered, by means of any ~~ambulance, rescue or life-saving emergency~~
3838 ~~medical services~~ vehicle designed or used principally for such purposes. ~~Such term includes emergency~~
3839 ~~medical services ambulances and mobile intensive care units.~~ No (i) insurer proposing to issue
3840 individual or group accident and sickness insurance policies providing hospital, medical and surgical or
3841 major medical coverage on an expense-incurred basis, (ii) corporation providing individual or group
3842 accident and sickness subscription contracts, or (iii) health maintenance organization providing a health
3843 care plan for health care services shall require a person covered under such policy, contract or plan to
3844 obtain prior authorization before accessing an emergency 911 system or other state, county or municipal
3845 emergency medical system for ~~ambulance emergency medical services vehicle transportation~~ services.

3846 **§ 40.1-79.01. Exemptions from chapter generally.**

3847 A. Nothing in this chapter, except the provisions of §§ 40.1-100 A, 40.1-100.1, 40.1-100.2, and
3848 40.1-103, shall apply to:

3849 1. A child engaged in domestic work when such work is performed in connection with the child's
3850 own home and directly for his parent or a person standing in place of his parent;

3851 2. A child employed in occasional work performed outside school hours where such work is in
3852 connection with the employer's home but not in connection with the employer's business, trade, or
3853 profession;

3854 3. A child 12 or 13 years of age employed outside school hours on farms, in orchards or in
3855 gardens with the consent of his parent or a person standing in place of his parent;

3856 4. A child between the ages of 12 and 18 employed as a page or clerk for either the House of
3857 Delegates or the Senate of Virginia;

3858 5. A child participating in the activities of a volunteer ~~rescue squad~~ emergency medical services
3859 agency;

3860 6. A child under 16 years of age employed by his parent in an occupation other than
3861 manufacturing; or

3862 7. A child 12 years of age or older employed by an eleemosynary organization or unit of state or
3863 local government as a referee for sports programs sponsored by that eleemosynary, state, or local
3864 organization or by an organization of referees sponsored by an organization recognized by the United
3865 States Olympic Committee under 36 U.S.C. § 220522.

3866 B. Nothing in this chapter, except §§ 40.1-100.1, 40.1-100.2, and 40.1-103, shall be construed to
3867 apply to a child employed by his parent or a person standing in place of his parent on farms, in orchards
3868 or in gardens owned or operated by such parent or person.

3869 **§ 40.1-103. Cruelty and injuries to children; penalty; abandoned infant.**

3870 A. It shall be unlawful for any person employing or having the custody of any child willfully or
3871 negligently to cause or permit the life of such child to be endangered or the health of such child to be
3872 injured, or willfully or negligently to cause or permit such child to be placed in a situation that its life,
3873 health or morals may be endangered, or to cause or permit such child to be overworked, tortured,
3874 tormented, mutilated, beaten or cruelly treated. Any person violating this section ~~shall be~~ is guilty of a
3875 Class 6 felony.

3876 B. If a prosecution under this section is based solely on the accused parent having left the child at
3877 a hospital or ~~rescue squad~~ emergency medical services agency, it shall be an affirmative defense to
3878 prosecution of a parent under this section that such parent safely delivered the child to a hospital that
3879 provides 24-hour emergency services or to an attended ~~rescue squad~~ emergency medical services agency
3880 that employs emergency medical ~~technicians~~ services personnel, within the first 14 days of the child's

3881 life. In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably
3882 calculated to ensure the child's safety.

3883 **§ 44-146.28. Authority of Governor and agencies under his control in declared state of**
3884 **emergency.**

3885 (a) In the case of a declaration of a state of emergency as defined in § 44-146.16, the Governor is
3886 authorized to expend from all funds of the state treasury not constitutionally restricted, a sum sufficient.
3887 Allotments from such sum sufficient may be made by the Governor to any state agency or political
3888 subdivision of the Commonwealth to carry out disaster service missions and responsibilities. Allotments
3889 may also be made by the Governor from the sum sufficient to provide financial assistance to eligible
3890 applicants located in an area declared to be in a state of emergency, but not declared to be a major
3891 disaster area for which federal assistance might be forthcoming. This shall be considered as a program
3892 of last resort for those local jurisdictions that cannot meet the full cost.

3893 The Virginia Department of Emergency Management shall establish guidelines and procedures
3894 for determining whether and to what extent financial assistance to local governments may be provided.

3895 The guidelines and procedures shall include, but not be limited to, the following:

3896 (1) Participants may be eligible to receive financial assistance to cover a percentage of eligible
3897 costs if they demonstrate that they are incapable of covering the full cost. The percentage may vary,
3898 based on the Commission on Local Government's fiscal stress index. The cumulative effect of recent
3899 disasters during the preceding twelve months may also be considered for eligibility purposes.

3900 (2) Only eligible participants that have sustained an emergency or disaster as defined in § 44-
3901 146.16 with total eligible costs of four dollars or more per capita may receive assistance except that (i)
3902 any town with a total population of less than 3,500 shall be eligible for disaster assistance for incurred
3903 eligible damages of \$15,000 or greater and (ii) any town with a population of 3,500 or more, but less
3904 than 5,000 shall be eligible for disaster assistance for incurred eligible damages of \$20,000 or greater
3905 and (iii) any town with a population of 5,000 or greater with total eligible costs of four dollars or more
3906 per capita may receive assistance. No site or facility may be included with less than \$1,000 in eligible

3907 costs. However, the total cost of debris clearance may be considered as costs associated with a single
3908 site.

3909 (3) Eligible participants shall be fully covered by all-risk property and flood insurance policies,
3910 including provisions for insuring the contents of the property and business interruptions, or shall be self-
3911 insured, in order to be eligible for this assistance. Insurance deductibles shall not be covered by this
3912 program.

3913 (4) Eligible costs incurred by towns, public service authorities, volunteer fire departments and
3914 volunteer ~~rescue squads~~ emergency medical services agencies may be included in a county's or city's
3915 total costs.

3916 (5) Unless otherwise stated in guidelines and procedures, eligible costs are defined as those listed
3917 in the Public Assistance component of Public Law 93-288, as amended, excluding beach replenishment
3918 and snow removal.

3919 (6) State agencies, as directed by the Virginia Department of Emergency Management, shall
3920 conduct an on-site survey to validate damages and to document restoration costs.

3921 (7) Eligible participants shall maintain complete documentation of all costs in a manner
3922 approved by the Auditor of Public Accounts and shall provide copies of the documentation to the
3923 Virginia Department of Emergency Management upon request.

3924 If a jurisdiction meets the criteria set forth in the guidelines and procedures, but is in an area that
3925 has neither been declared to be in a state of emergency nor been declared to be a major disaster area for
3926 which federal assistance might be forthcoming, the Governor is authorized, in his discretion, to make an
3927 allotment from the sum sufficient to that jurisdiction without a declaration of a state of emergency, in the
3928 same manner as if a state of emergency declaration had been made.

3929 The Governor shall report to the Chairmen of the Senate Finance Committee, the House
3930 Appropriations Committee, and the House Finance Committee within thirty days of authorizing the sum
3931 sufficient pursuant to this section. The Virginia Department of Emergency Management shall report
3932 annually to the General Assembly on the local jurisdictions that received financial assistance and the
3933 amount each jurisdiction received.

3934 (b) Public agencies under the supervision and control of the Governor may implement their
3935 emergency assignments without regard to normal procedures (except mandatory constitutional
3936 requirements) pertaining to the performance of public work, entering into contracts, incurring of
3937 obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials
3938 and expenditures of public funds.

3939 (c) Allotments may be made by the Governor from a sum sufficient to provide financial
3940 assistance to Virginia state agencies and political subdivisions responding to a declared state of
3941 emergency in another state as provided by § 44-146.17, whether or not a state of emergency is declared
3942 in the Commonwealth pursuant to § 44-146.16.

3943 (d) Allotments may be made by the Governor from a sum sufficient for the deployment of
3944 personnel and materials for the Virginia National Guard and the Virginia Defense Force to prepare for a
3945 response to any of the circumstances set forth in subdivisions A 1 through A 5 of § 44-75.1, whether or
3946 not a state of emergency is declared in the Commonwealth pursuant to § 44-146.16. However,
3947 preparation authorized by this subsection shall be limited to the deployment of no more than 300
3948 personnel, and shall be limited to no more than five days, unless a state of emergency is declared.

3949 **§ 45.1-161.199. Certified emergency medical services providers.**

3950 At least one person who is a working coal miner and who ~~has been certified by the State Board~~
3951 ~~of Health as possessing the qualifications of an emergency medical technician or holds a valid certificate~~
3952 ~~as~~ an emergency medical services ~~first responder provider issued by the Commissioner of the~~
3953 ~~Department of Health~~ shall be located so as to be available for duty at each mine when miners are
3954 working at that mine. Such emergency medical services ~~personnel providers~~ shall be utilized in
3955 sufficient numbers to assure that workers in any mine location can be reached by them within such
3956 reasonable time as is determined by the Chief. Emergency medical services ~~personnel providers~~ shall
3957 have available to them at all times the necessary equipment, as specified by the Chief, for prompt
3958 response to emergencies. In the event that at any time there is at any mine an insufficient number of
3959 qualified miners volunteering to serve as emergency medical services ~~personnel providers~~ as provided
3960 for in this section, the operator may elect to utilize the services of first aid trainees, in such numbers as

3961 the Chief determines to be appropriate. Telephone or equivalent facilities shall be installed to provide
3962 two-way voice communication between the emergency medical services—personnel providers and
3963 medical personnel outside the mine.

3964 **§ 46.2-208. Records of Department; when open for inspection; release of privileged**
3965 **information.**

3966 A. All records in the office of the Department containing the specific classes of information
3967 outlined below shall be considered privileged records:

- 3968 1. Personal information, including all data defined as "personal information" in § 2.2-3801;
3969 2. Driver information, including all data that relates to driver's license status and driver activity;
3970 and
3971 3. Vehicle information, including all descriptive vehicle data and title, registration, and vehicle
3972 activity data.

3973 B. The Commissioner shall release such information only under the following conditions:

- 3974 1. Notwithstanding other provisions of this section, medical data included in personal data shall
3975 be released only to a physician, physician assistant, or nurse practitioner as provided in § 46.2-322.
3976 2. Insurance data may be released as specified in §§ 46.2-372, 46.2-380, and 46.2-706.
3977 3. Notwithstanding other provisions of this section, information disclosed or furnished shall be
3978 assessed a fee as specified in § 46.2-214.
3979 4. When the person requesting the information is (i) the subject of the information, (ii) the parent
3980 or guardian of the subject of the information, (iii) the authorized representative of the subject of the
3981 information, or (iv) the owner of the vehicle that is the subject of the information, the Commissioner
3982 shall provide him with the requested information and a complete explanation of it. Requests for such
3983 information need not be made in writing or in person and may be made orally or by telephone, provided
3984 that the Department is satisfied that there is adequate verification of the requester's identity. When so
3985 requested in writing by (a) the subject of the information, (b) the parent or guardian of the subject of the
3986 information, (c) the authorized representative of the subject of the information, or (d) the owner of the
3987 vehicle that is the subject of the information, the Commissioner shall verify and, if necessary, correct the

3988 personal information provided and furnish driver and vehicle information in the form of an abstract of
3989 the record.

3990 5. On the written request of any insurance carrier, surety, or representative of an insurance carrier
3991 or surety, the Commissioner shall furnish such insurance carrier, surety, or representative an abstract of
3992 the record of any person subject to the provisions of this title. The abstract shall include any record of
3993 any conviction of a violation of any provision of any statute or ordinance relating to the operation or
3994 ownership of a motor vehicle or of any injury or damage in which he was involved and a report of which
3995 is required by § 46.2-372. No such report of any conviction or accident shall be made after 60 months
3996 from the date of the conviction or accident unless the Commissioner or court used the conviction or
3997 accident as a reason for the suspension or revocation of a driver's license or driving privilege, in which
3998 case the revocation or suspension and any conviction or accident pertaining thereto shall not be reported
3999 after 60 months from the date that the driver's license or driving privilege has been reinstated. This
4000 abstract shall not be admissible in evidence in any court proceedings.

4001 6. On the written request of any business organization or its agent, in the conduct of its business,
4002 the Commissioner shall compare personal information supplied by the business organization or agent
4003 with that contained in the Department's records and, when the information supplied by the business
4004 organization or agent is different from that contained in the Department's records, provide the business
4005 organization or agent with correct information as contained in the Department's records. Personal
4006 information provided under this subdivision shall be used solely for the purpose of pursuing remedies
4007 that require locating an individual.

4008 7. The Commissioner shall provide vehicle information to any business organization or agent on
4009 such business' or agent's written request. Disclosures made under this subdivision shall not include any
4010 personal information and shall not be subject to the limitations contained in subdivision 6 ~~of this~~
4011 ~~subsection.~~

4012 8. On the written request of any motor vehicle rental or leasing company or its designated agent,
4013 the Commissioner shall (i) compare personal information supplied by the company or agent with that
4014 contained in the Department's records and, when the information supplied by the company or agent is

4015 different from that contained in the Department's records, provide the company or agent with correct
4016 information as contained in the Department's records and (ii) provide the company or agent with driver
4017 information in the form of an abstract of any person subject to the provisions of this title. Such abstract
4018 shall include any record of any conviction of a violation of any provision of any statute or ordinance
4019 relating to the operation or ownership of a motor vehicle or of any injury or damage in which the subject
4020 of the abstract was involved and a report of which is required by § 46.2-372. No such abstract shall
4021 include any record of any conviction or accident more than 60 months after the date of such conviction
4022 or accident unless the Commissioner or court used the conviction or accident as a reason for the
4023 suspension or revocation of a driver's license or driving privilege, in which case the revocation or
4024 suspension and any conviction or accident pertaining thereto shall cease to be included in such abstract
4025 after 60 months from the date on which the driver's license or driving privilege was reinstated. No
4026 abstract released under this subdivision shall be admissible in evidence in any court proceedings.

4027 9. On the request of any federal, state, or local governmental entity, local government group self-
4028 insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent
4029 of any of the foregoing, the Commissioner shall (i) compare personal information supplied by the
4030 governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for
4031 the Commonwealth, court, or the authorized agent of any of the foregoing, with that contained in the
4032 Department's records and, when the information supplied by the governmental entity, local government
4033 group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the
4034 authorized agent of any of the foregoing, is different from that contained in the Department's records,
4035 provide the governmental entity, local government group self-insurance pool, law-enforcement officer,
4036 attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, with correct
4037 information as contained in the Department's records and (ii) provide driver and vehicle information in
4038 the form of an abstract of the record showing all convictions, accidents, driver's license suspensions or
4039 revocations, and other appropriate information as the governmental entity, local government group self-
4040 insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent

4041 of any of the foregoing, may require in order to carry out its official functions. The abstract shall be
4042 provided free of charge.

4043 10. On request of the driver licensing authority in any other state or foreign country, the
4044 Commissioner shall provide whatever classes of information the requesting authority shall require in
4045 order to carry out its official functions. The information shall be provided free of charge.

4046 11. On the written request of any employer, prospective employer, or authorized agent of either,
4047 and with the written consent of the individual concerned, the Commissioner shall (i) compare personal
4048 information supplied by the employer, prospective employer, or agent with that contained in the
4049 Department's records and, when the information supplied by the employer, prospective employer, or
4050 agent is different from that contained in the Department's records, provide the employer, prospective
4051 employer, or agent with correct information as contained in the Department's records and (ii) provide the
4052 employer, prospective employer, or agent with driver information in the form of an abstract of an
4053 individual's record showing all convictions, accidents, driver's license suspensions or revocations, and
4054 any type of driver's license that the individual currently possesses, provided that the individual's position
4055 or the position that the individual is being considered for involves the operation of a motor vehicle.

4056 12. On the written request of any member of or applicant for membership in a volunteer fire
4057 company or any volunteer emergency medical services personnel or applicant to serve as volunteer
4058 rescue-squad emergency medical services personnel, the Commissioner shall (i) compare personal
4059 information supplied by the volunteer fire company or volunteer-rescue-squad emergency medical
4060 services agency with that contained in the Department's records and, when the information supplied by
4061 the volunteer fire company or volunteer-rescue-squad emergency medical services agency is different
4062 from that contained in the Department's records, provide the volunteer fire company or volunteer-rescue
4063 squad emergency medical services agency with correct information as contained in the Department's
4064 records and (ii) provide driver information in the form of an abstract of the member's, personnel, or
4065 applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of
4066 driver's license that the individual currently possesses. Such abstract shall be provided free of charge if
4067 the request is accompanied by appropriate written evidence that the person is a member of or applicant

4068 for membership in a volunteer fire company or a volunteer-rescue-squad emergency medical services
4069 agency to serve as a member of a volunteer emergency medical services agency and the abstract is
4070 needed by a volunteer fire company or volunteer-rescue-squad emergency medical services agency to
4071 establish the qualifications of the member, volunteer, or applicant to operate equipment owned by the
4072 volunteer fire company or volunteer-rescue-squad emergency medical services agency.

4073 13. On the written request of any person who has applied to be a volunteer with a Virginia
4074 affiliate of Big Brothers/Big Sisters of America, the Commissioner shall (i) compare personal
4075 information supplied by a Virginia affiliate of Big Brothers/Big Sisters of America with that contained
4076 in the Department's records and, when the information supplied by a Virginia affiliate of Big
4077 Brothers/Big Sisters of America is different from that contained in the Department's records, provide the
4078 Virginia affiliate of Big Brothers/Big Sisters of America with correct information as contained in the
4079 Department's records and (ii) provide driver information in the form of an abstract of the applicant's
4080 record showing all convictions, accidents, license suspensions or revocations, and any type of driver's
4081 license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half
4082 the normal charge if the request is accompanied by appropriate written evidence that the person has
4083 applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America.

4084 14. On the written request of any person who has applied to be a volunteer with a court-
4085 appointed special advocate program pursuant to § 9.1-153, the Commissioner shall provide an abstract
4086 of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any
4087 type of driver's license that the individual currently possesses. Such abstract shall be provided free of
4088 charge if the request is accompanied by appropriate written evidence that the person has applied to be a
4089 volunteer with a court-appointed special advocate program pursuant to § 9.1-153.

4090 15. Upon the request of any employer, prospective employer, or authorized representative of
4091 either, the Commissioner shall (i) compare personal information supplied by the employer, prospective
4092 employer, or agent with that contained in the Department's records and, when the information supplied
4093 by the employer, prospective employer, or agent is different from that contained in the Department's
4094 records, provide the employer, prospective employer, or agent with correct information as contained in

4095 the Department's records and (ii) provide driver information in the form of an abstract of the driving
4096 record of any individual who has been issued a commercial driver's license, provided that the
4097 individual's position or the position that the individual is being considered for involves the operation of a
4098 commercial motor vehicle. Such abstract shall show all convictions, accidents, license suspensions,
4099 revocations, or disqualifications, and any type of driver's license that the individual currently possesses.

4100 16. Upon the receipt of a completed application and payment of applicable processing fees, the
4101 Commissioner may enter into an agreement with any governmental authority or business to exchange
4102 information specified in this section by electronic or other means.

4103 17. Upon the request of an attorney representing a person in a motor vehicle accident, the
4104 Commissioner shall provide vehicle information, including the owner's name and address, to the
4105 attorney.

4106 18. Upon the request, in the course of business, of any authorized representative of an insurance
4107 company or of any not-for-profit entity organized to prevent and detect insurance fraud, or perform
4108 rating and underwriting activities, the Commissioner shall provide to such person (i) all vehicle
4109 information, including the owner's name and address, descriptive data and title, registration, and vehicle
4110 activity data as requested or (ii) all driver information including name, license number and classification,
4111 date of birth, and address information for each driver under the age of 22 licensed in the Commonwealth
4112 of Virginia meeting the request criteria designated by such person, with such request criteria consisting
4113 of driver's license number or address information. No such information shall be used for solicitation of
4114 sales, marketing, or other commercial purposes.

4115 19. Upon the request of an officer authorized to issue criminal warrants, for the purpose of
4116 issuing a warrant for arrest for unlawful disposal of trash or refuse in violation of § 33.2-802 the
4117 Commissioner shall provide vehicle information, including the owner's name and address.

4118 20. Upon written request of the compliance agent of a private security services business, as
4119 defined in § 9.1-138, which is licensed by the Department of Criminal Justice Services, the
4120 Commissioner shall provide the name and address of the owner of the vehicle under procedures
4121 determined by the Commissioner.

4122 21. Upon the request of the operator of a toll facility or traffic light photo-monitoring system
4123 acting on behalf of a government entity, or of the Dulles Access Highway, or an authorized agent or
4124 employee of a toll facility operator or traffic light photo-monitoring system operator acting on behalf of
4125 a government entity or the Dulles Access Highway, for the purpose of obtaining vehicle owner data
4126 under subsection L of § 46.2-819.1 or subsection H of § 15.2-968.1 or subsection N of § 46.2-819.5.
4127 Information released pursuant to this subdivision shall be limited to the name and address of the
4128 registered owner of the vehicle having failed to pay a toll or having failed to comply with a traffic light
4129 signal or having improperly used the Dulles Access Highway and the vehicle information, including all
4130 descriptive vehicle data and title and registration data of the same vehicle.

4131 22. On the written request of any person who has applied to be a volunteer with a Virginia
4132 affiliate of Compeer, the Commissioner shall (i) compare personal information supplied by a Virginia
4133 affiliate of Compeer with that contained in the Department's records and, when the information supplied
4134 by a Virginia affiliate of Compeer is different from that contained in the Department's records, provide
4135 the Virginia affiliate of Compeer with correct information as contained in the Department's records and
4136 (ii) provide driver information in the form of an abstract of the applicant's record showing all
4137 convictions, accidents, license suspensions or revocations, and any type of driver's license that the
4138 individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge
4139 if the request is accompanied by appropriate written evidence that the person has applied to be a
4140 volunteer with a Virginia affiliate of Compeer.

4141 23. Upon the request of the Department of Environmental Quality for the purpose of obtaining
4142 vehicle owner data in connection with enforcement actions involving on-road testing of motor vehicles,
4143 pursuant to § 46.2-1178.1.

4144 24. On the written request of any person who has applied to be a volunteer vehicle operator with
4145 a Virginia chapter of the American Red Cross, the Commissioner shall (i) compare personal information
4146 supplied by a Virginia chapter of the American Red Cross with that contained in the Department's
4147 records and, when the information supplied by a Virginia chapter of the American Red Cross is different
4148 from that contained in the Department's records, provide the Virginia chapter of the American Red Cross

4149 with correct information as contained in the Department's records and (ii) provide driver information in
4150 the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions
4151 or revocations, and any type of driver's license that the individual currently possesses. Such abstract
4152 shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate
4153 written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of
4154 the American Red Cross.

4155 25. On the written request of any person who has applied to be a volunteer vehicle operator with
4156 a Virginia chapter of the Civil Air Patrol, the Commissioner shall (i) compare personal information
4157 supplied by a Virginia chapter of the Civil Air Patrol with that contained in the Department's records
4158 and, when the information supplied by a Virginia chapter of the Civil Air Patrol is different from that
4159 contained in the Department's records, provide the Virginia chapter of the Civil Air Patrol with correct
4160 information as contained in the Department's records and (ii) provide driver information in the form of
4161 an abstract of the applicant's record showing all convictions, accidents, license suspensions or
4162 revocations, and any type of driver's license that the individual currently possesses. Such abstract shall
4163 be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate
4164 written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of
4165 the Civil Air Patrol.

4166 26. On the written request of any person who has applied to be a volunteer vehicle operator with
4167 Faith in Action, the Commissioner shall (i) compare personal information supplied by Faith in Action
4168 with that contained in the Department's records and, when the information supplied by Faith in Action is
4169 different from that contained in the Department's records, provide Faith in Action with correct
4170 information as contained in the Department's records and (ii) provide driver information in the form of
4171 an abstract of the applicant's record showing all convictions, accidents, license suspensions or
4172 revocations, and any type of driver's license that the individual currently possesses. Such abstract shall
4173 be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate
4174 written evidence that the person has applied to be a volunteer vehicle operator with Faith in Action.

4175 27. On the written request of the surviving spouse or child of a deceased person or the executor
4176 or administrator of a deceased person's estate, the Department shall, if the deceased person had been
4177 issued a driver's license or special identification card by the Department, supply the requestor with a
4178 hard copy image of any photograph of the deceased person kept in the Department's records.

4179 28. On the written request of any person who has applied to be a volunteer with a Virginia
4180 Council of the Girl Scouts of the USA, the Commissioner shall (i) compare personal information
4181 supplied by a Virginia Council of the Girl Scouts of the USA with that contained in the Department's
4182 records and, when the information supplied by a Virginia Council of the Girl Scouts of the USA is
4183 different from that contained in the Department's records, provide a Virginia Council of the Girl Scouts
4184 of the USA with correct information as contained in the Department's records and (ii) provide driver
4185 information in the form of an abstract of the applicant's record showing all convictions, accidents,
4186 license suspensions or revocations, and any type of driver's license that the individual currently
4187 possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is
4188 accompanied by appropriate written evidence that the person has applied to be a volunteer with the
4189 Virginia Council of the Girl Scouts of the USA.

4190 C. Whenever the Commissioner issues an order to suspend or revoke the driver's license or
4191 driving privilege of any individual, he may notify the National Driver Register Service operated by the
4192 United States Department of Transportation and any similar national driver information system and
4193 provide whatever classes of information the authority may require.

4194 D. Accident reports may be inspected under the provisions of §§ 46.2-379 and 46.2-380.

4195 E. Whenever the Commissioner takes any licensing action pursuant to the provisions of the
4196 Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), he may provide information to the
4197 Commercial Driver License Information System, or any similar national commercial driver information
4198 system, regarding such action.

4199 F. In addition to the foregoing provisions of this section, vehicle information may also be
4200 inspected under the provisions of §§ 46.2-633, 46.2-644.02, 46.2-644.03, and §§ 46.2-1200.1 through
4201 46.2-1237.

4202 G. The Department may promulgate regulations to govern the means by which personal, vehicle,
4203 and driver information is requested and disseminated.

4204 H. Driving records of any person accused of an offense involving the operation of a motor
4205 vehicle shall be provided by the Commissioner upon request to any person acting as counsel for the
4206 accused. If such counsel is from the public defender's office or has been appointed by the court, such
4207 records shall be provided free of charge.

4208 I. The Department shall maintain the records of persons convicted of violations of § 18.2-36.2,
4209 subsection B of § 29.1-738, and §§ 29.1-738.02, 29.1-738.2, and 29.1-738.4 which shall be forwarded
4210 by every general district court or circuit court or the clerk thereof, pursuant to § 46.2-383. Such records
4211 shall be electronically available to any law-enforcement officer as provided for under clause (ii) of
4212 subdivision B 9.

4213 J. Whenever the Commissioner issues a certificate of title for a motor vehicle, he may notify the
4214 National Motor Vehicle Title Information System, or any other nationally recognized system providing
4215 similar information, or any entity contracted to collect information for such system, and may provide
4216 whatever classes of information are required by such system.

4217 **§ 46.2-334.01. Licenses issued to persons less than 19 years old subject to certain**
4218 **restrictions.**

4219 A. Any learner's permit or driver's license issued to any person less than 18 years old shall be
4220 subject to the following:

4221 1. Notwithstanding the provisions of § 46.2-498, whenever the driving record of a person less
4222 than 19 years old shows that he has been convicted of committing, when he was less than 18 years old,
4223 (i) an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489
4224 et seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095
4225 et seq.) of Chapter 10, the Commissioner shall direct such person to attend a driver improvement clinic.
4226 No safe driving points shall be awarded for such clinic attendance, nor shall any safe driving points be
4227 awarded for voluntary or court-assigned clinic attendance. Such person's parent, guardian, legal
4228 custodian, or other person standing in loco parentis may attend such clinic and receive a reduction in

4229 demerit points and/or an award of safe driving points pursuant to § 46.2-498. The provisions of this
4230 subdivision shall not be construed to prohibit awarding of safe driving points to a person less than 18
4231 years old who attends and successfully completes a driver improvement clinic without having been
4232 directed to do so by the Commissioner or required to do so by a court.

4233 2. If any person less than 19 years old is convicted a second time of committing, when he was
4234 less than 18 years old, (i) an offense for which demerit points have been assessed or are assessable under
4235 Article 19 (§ 46.2-489 et seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or
4236 Article 13 (§ 46.2-1095 et seq.) of Chapter 10, the Commissioner shall suspend such person's driver's
4237 license or privilege to operate a motor vehicle for 90 days. Such suspension shall be consecutive to, and
4238 not concurrent with, any other period of license suspension, revocation, or denial. Any person who has
4239 had his driver's license or privilege to operate a motor vehicle suspended in accordance with this
4240 subdivision may petition the juvenile and domestic relations district court of his residence for a
4241 restricted license to authorize such person to drive a motor vehicle in the Commonwealth to and from
4242 his home, his place of employment, or an institution of higher learning where he is enrolled, provided
4243 there is no other means of transportation by which such person may travel between his home and his
4244 place of employment or the institution of higher learning where he is enrolled. On such petition the court
4245 may, in its discretion, authorize the issuance of a restricted license for a period not to exceed the term of
4246 the suspension of the person's license or privilege to operate a motor vehicle in the Commonwealth.
4247 Such restricted license shall be valid solely for operation of a motor vehicle between such person's home
4248 and his place of employment or the institution of higher learning where he is enrolled.

4249 3. If any person is convicted a third time of committing, when he was less than 18 years old, (i)
4250 an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et
4251 seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et
4252 seq.) of Chapter 10, the Commissioner shall revoke such person's driver's license or privilege to operate
4253 a motor vehicle for one year or until such person reaches the age of 18 years, whichever is longer. Such
4254 revocation shall be consecutive to, and not concurrent with, any other period of license suspension,
4255 revocation, or denial.

4256 4. In no event shall any person subject to the provisions of this section be subject to the
4257 suspension or revocation provisions of subdivision 2 or 3 for multiple convictions arising out of the
4258 same transaction or occurrence.

4259 B. The initial license issued to any person younger than 18 years of age shall be deemed a
4260 provisional driver's license. Until the holder is 18 years old, a provisional driver's license shall not
4261 authorize its holder to operate a motor vehicle with more than one passenger who is less than 21 years
4262 old, unless the driver is accompanied by a parent or person acting in loco parentis provided that such
4263 person accompanying the driver is occupying the seat beside the driver and is lawfully permitted to
4264 operate a motor vehicle at the time. After the first year the provisional license is issued the holder may
4265 operate a motor vehicle with up to three passengers who are less than 21 years old when (i) the holder is
4266 driving to or from a school-sponsored activity, or (ii) a licensed driver who is at least 21 years old is
4267 occupying the seat beside the driver, or (iii) in cases of emergency. This passenger limitation, however,
4268 shall not apply to members of the driver's family or household. For the purposes of this subsection, "a
4269 member of the driver's family or household" means any of the following: (a) the driver's spouse,
4270 children, stepchildren, brothers, sisters, half-brothers, half-sisters, and any individual who has a child in
4271 common with the driver, whether or not they reside in the same home with the driver; (b) the driver's
4272 brothers-in-law and sisters-in-law who reside in the same home with the driver; and (c) any individual
4273 who cohabits with the driver, and any children of such individual residing in the same home with the
4274 driver.

4275 C. The holder of a provisional driver's license shall not operate a motor vehicle on the highways
4276 of the Commonwealth between the hours of midnight and 4:00 a.m. except when driving (i) to or from a
4277 place of business where he is employed; (ii) to or from an activity that is supervised by an adult and is
4278 sponsored by a school or by a civic, religious, or public organization; (iii) accompanied by a parent, a
4279 person acting in loco parentis, or by a spouse who is 18 years old or older, provided that such person
4280 accompanying the driver is actually occupying a seat beside the driver and is lawfully permitted to
4281 operate a motor vehicle at the time; or (iv) in cases of emergency, including response by volunteer
4282 firefighters and volunteer ~~rescue squad~~ emergency medical services personnel to emergency calls.

4283 C1. Except in a driver emergency or when the vehicle is lawfully parked or stopped, the holder
4284 of a provisional driver's license shall not operate a motor vehicle on the highways of the Commonwealth
4285 while using any cellular telephone or any other wireless telecommunications device, regardless of
4286 whether such device is or is not hand-held.

4287 D. The provisional driver's license restrictions in subsections B, C, and C1 shall expire on the
4288 holder's eighteenth birthday. A violation of the provisional driver's license restrictions in either
4289 subsection B, C, or C1 shall constitute a traffic infraction. For a second or subsequent violation of the
4290 provisional driver's license restrictions in either subsection B, C, or C1, in addition to any other penalties
4291 that may be imposed pursuant to § 16.1-278.10, the court may suspend the juvenile's privilege to drive
4292 for a period not to exceed six months.

4293 E. A violation of subsection B, C, or C1 shall not constitute negligence, be considered in
4294 mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by
4295 counsel in any action for the recovery of damages arising out of the operation, ownership, or
4296 maintenance of a motor vehicle, nor shall anything in this subsection change any existing law, rule, or
4297 procedure pertaining to any such civil action.

4298 F. No citation for a violation of this section shall be issued unless the officer issuing such citation
4299 has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of
4300 this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or
4301 any criminal statute.

4302 **§ 46.2-502. Clinic fees.**

4303 A. The Department and all businesses, organizations, governmental entities or individuals
4304 certified by the Department to provide driver improvement clinic instruction may charge a fee not to
4305 exceed \$100, which shall include the processing fee set forth in subsection B of this section, to persons
4306 notified by the Department to attend a driver improvement clinic. No person shall be permitted to attend
4307 a driver improvement clinic unless the person first pays the required attendance fee to the business,
4308 organization, governmental entity or individual providing the driver improvement clinic instruction.

4309 B. All businesses, organizations, governmental entities or individuals certified by the Department
4310 to provide driver improvement clinic instruction shall collect for the Department a processing fee of \$10
4311 from each person attending a driver improvement clinic taught by such businesses, organizations,
4312 governmental entities or individuals. Such processing fee payments shall accompany the clinic rosters
4313 submitted to the Department by such businesses, organizations, governmental entities or individuals. No
4314 such processing fee, however, shall be required or collected from members of volunteer ~~rescue squads~~
4315 emergency medical services agencies and volunteer fire departments who attend such clinics in order to
4316 successfully complete training for emergency vehicle operation. All fees collected by the Department
4317 under this subsection shall be paid by the Commissioner into the state treasury and shall be set aside as a
4318 special fund to be used to meet the expenses of the Department.

4319 **§ 46.2-644.2. Department's records; fees; exemption.**

4320 The Department shall maintain a record of any certificate of title it issued under this article. Fees
4321 to be paid to the Department for issuance of such certificates of title shall be the same as those imposed
4322 for the titling of motor vehicles pursuant to § 46.2-627.

4323 Any all-terrain vehicle or off-road motorcycle purchased and used by a nonprofit volunteer
4324 ~~rescue squad~~ emergency medical services agency shall be exempt from fees imposed under this section.

4325 **§ 46.2-649.1:1. Registration of vehicles owned and used by volunteer fire departments or**
4326 **volunteer emergency medical services agencies.**

4327 Upon application therefor, the Commissioner shall register and issue permanent license plates
4328 without year or month decals for display on any (i) firefighting truck, trailer, and semitrailer on which
4329 firefighting apparatus is permanently attached when any such vehicle is owned or under exclusive
4330 control of a volunteer fire department or (ii) ~~ambulance~~ emergency medical services vehicle or other
4331 vehicle owned or used exclusively by a volunteer fire department or volunteer ~~lifesaving or first aid~~
4332 ~~crew or rescue squad~~ emergency medical services agency if any such vehicle is used exclusively as an
4333 ~~ambulance or lifesaving and first aid~~ emergency medical services vehicle and is not rented, leased, or
4334 lent to any private individual, firm, or corporation, and no charge is made by the organization for the use
4335 of the vehicle. The equipment shall be painted a distinguishing color and conspicuously display in letters

4336 and figures not less than three inches in height the identity of the volunteer fire department, ~~lifesaving or~~
4337 ~~first aid crew or rescue squad~~ or volunteer emergency medical services agency having control of its
4338 operation.

4339 No fee shall be charged for any vehicle registration or license plate issuance under this section.

4340 **§ 46.2-694. (Contingent expiration date) Fees for vehicles designed and used for**
4341 **transportation of passengers; weights used for computing fees; burden of proof.**

4342 A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used
4343 for the transportation of passengers on the highways in the Commonwealth are:

4344 1. Thirty-three dollars for each private passenger car or motor home if the passenger car or motor
4345 home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for
4346 compensation and is not kept or used for rent or for hire, or is not operated under a lease without a
4347 chauffeur.

4348 2. Thirty-eight dollars for each passenger car or motor home which weighs more than 4,000
4349 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept
4350 or used for rent or for hire, or is not operated under a lease without a chauffeur.

4351 3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a
4352 motorcycle with a normal seating capacity of more than 10 adults, including the driver, if the private
4353 motor vehicle is not used for the transportation of passengers for compensation and is not kept or used
4354 for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less
4355 than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000
4356 pounds.

4357 4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee
4358 be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000
4359 pounds.

4360 5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for
4361 human beings.

4362 6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle,
4363 trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate.
4364 Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed
4365 in subdivision 7 on submission to the Commissioner of a declaration of operations and equipment as he
4366 may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

4367 7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle,
4368 trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed
4369 under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000
4370 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating
4371 two or more vehicles both within and outside the Commonwealth and registered for insurance purposes
4372 with the Surface Transportation Board of the U.S. Department of Transportation, Federal Highway
4373 Administration, may apply to the Commissioner for prorated registration. Upon the filing of such
4374 application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the
4375 registration fees provided in this subsection so that the total registration fees to be paid for such vehicles
4376 of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total
4377 number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total
4378 number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in
4379 each instance is the estimated total mileage to be traveled by such vehicles during the license year for
4380 which such fees are paid, subject to the adjustment in accordance with an audit to be made by
4381 representatives of the Commissioner at the end of such license year, the expense of such audit to be
4382 borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and
4383 licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less than
4384 \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles,
4385 trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion
4386 in determining the apportionment provided for herein.

4387 8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle,
4388 trailer or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the

4389 transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than
4390 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

4391 9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with
4392 a chauffeur for the transportation of passengers, and which operates or should operate under permits
4393 issued by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle
4394 weighs more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

4395 10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a
4396 surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

4397 10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special
4398 fund to be used to meet the expenses of the Department.

4399 10b. Eighteen dollars for an autocycle.

4400 11. Twenty-three dollars for a bus used exclusively for transportation to and from church school,
4401 for the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight
4402 of the vehicle exceeds 4,000 pounds, the fee shall be \$28.

4403 12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-
4404 carrying vehicles.

4405 13. An additional fee of \$4.25 per year shall be charged and collected at the time of registration
4406 of each pickup or panel truck and each motor vehicle under subdivisions 1 through 12. All funds
4407 collected from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside as a special
4408 fund to be used only for emergency medical ~~service~~ services purposes. The moneys in the special
4409 emergency medical services fund shall be distributed as follows:

4410 a. Two percent shall be distributed to the State Department of Health to provide funding to the
4411 Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting
4412 volunteer recruitment, retention, and training activities;

4413 b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency
4414 medical services training programs (excluding advanced life support classes); (ii) advanced life support
4415 training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and

4416 retain volunteer emergency medical services personnel only, including public awareness campaigns,
4417 technical assistance programs, and similar activities); (iv) emergency medical services system
4418 development, initiatives, and priorities based on needs identified by the State Emergency Medical
4419 Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency
4420 medical services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio
4421 communication enhancements; and (vii) improved emergency preparedness and response. Any funds set
4422 aside for distribution under this provision and remaining undistributed at the end of any fiscal year shall
4423 revert to the Rescue Squad Assistance Fund;

4424 c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

4425 d. Ten percent shall be available to the State Department of Health's Office of Emergency
4426 Medical Services for use in emergency medical services; and

4427 e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is
4428 registered, to provide funding for training of volunteer or salaried emergency medical ~~service~~ services
4429 personnel of ~~licensed~~, nonprofit emergency medical services agencies that hold a valid license issued by
4430 the Commissioner of Health and for the purchase of necessary equipment and supplies for use in such
4431 locality for ~~licensed, nonprofit~~ emergency medical ~~and rescue~~ services provided by nonprofit emergency
4432 medical services agencies that hold a valid license issued by the Commissioner of Health.

4433 All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of
4434 the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay
4435 for the costs associated with the certification and recertification training of emergency medical services
4436 personnel.

4437 The Comptroller shall clearly designate on the warrant, check, or other means of transmitting
4438 these funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds
4439 shall be in addition to any local appropriations and local governing bodies shall not use these funds to
4440 supplant local funds. Each local governing body shall report annually to the Board of Health on the use
4441 of the funds returned to it pursuant to this section. In any case in which the local governing body grants
4442 the funds to a regional emergency medical services council to be distributed to the ~~licensed~~, nonprofit

4443 emergency medical ~~and rescue~~ services agency that holds a valid license issued by the Commissioner of
4444 Health, the local governing body shall remain responsible for the proper use of the funds. If, at the end
4445 of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that
4446 year has not been received from a local governing body, any funds due to that local governing body for
4447 the next fiscal year shall be retained until such time as the report has been submitted to the Board.

4448 B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-
4449 646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section
4450 or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by
4451 the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

4452 C. The manufacturer's shipping weight or scale weight shall be used for computing all fees
4453 required by this section to be based upon the weight of the vehicle.

4454 D. The applicant for registration bears the burden of proof that the vehicle for which registration
4455 is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the
4456 Commissioner or to his authorized agent.

4457 **§ 46.2-694. (Contingent effective date) Fees for vehicles designed and used for**
4458 **transportation of passengers; weights used for computing fees; burden of proof.**

4459 A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used
4460 for the transportation of passengers on the highways in the Commonwealth are:

4461 1. Twenty-three dollars for each private passenger car or motor home if the passenger car or
4462 motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers
4463 for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a
4464 chauffeur.

4465 2. Twenty-eight dollars for each passenger car or motor home which weighs more than 4,000
4466 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept
4467 or used for rent or for hire, or is not operated under a lease without a chauffeur.

4468 3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a
4469 motorcycle with a normal seating capacity of more than 10 adults, including the driver, if the private

4470 motor vehicle is not used for the transportation of passengers for compensation and is not kept or used
4471 for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less
4472 than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000
4473 pounds.

4474 4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee
4475 be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000
4476 pounds.

4477 5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for
4478 human beings.

4479 6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle,
4480 trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate.
4481 Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed
4482 in subdivision 7 on submission to the Commissioner of a declaration of operations and equipment as he
4483 may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

4484 7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle,
4485 trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed
4486 under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000
4487 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating
4488 two or more vehicles both within and outside the Commonwealth and registered for insurance purposes
4489 with the Surface Transportation Board of the U.S. Department of Transportation, Federal Highway
4490 Administration, may apply to the Commissioner for prorated registration. Upon the filing of such
4491 application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the
4492 registration fees provided in this subsection so that the total registration fees to be paid for such vehicles
4493 of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total
4494 number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total
4495 number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in
4496 each instance is the estimated total mileage to be traveled by such vehicles during the license year for

4497 which such fees are paid, subject to the adjustment in accordance with an audit to be made by
4498 representatives of the Commissioner at the end of such license year, the expense of such audit to be
4499 borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and
4500 licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less than
4501 \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles,
4502 trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion
4503 in determining the apportionment provided for herein.

4504 8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle,
4505 trailer or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the
4506 transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than
4507 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

4508 9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with
4509 a chauffeur for the transportation of passengers, and which operates or should operate under permits
4510 issued by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle
4511 weighs more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

4512 10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a
4513 surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

4514 10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special
4515 fund to be used to meet the expenses of the Department.

4516 10b. Eighteen dollars for an autocyte.

4517 11. Twenty-three dollars for a bus used exclusively for transportation to and from church school,
4518 for the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight
4519 of the vehicle exceeds 4,000 pounds, the fee shall be \$28.

4520 12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-
4521 carrying vehicles.

4522 13. An additional fee of \$4.25 per year shall be charged and collected at the time of registration
4523 of each pickup or panel truck and each motor vehicle under subdivisions 1 through 12. All funds

4524 collected from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside as a special
4525 fund to be used only for emergency medical ~~service~~ services purposes. The moneys in the special
4526 emergency medical services fund shall be distributed as follows:

4527 a. Two percent shall be distributed to the State Department of Health to provide funding to the
4528 Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting
4529 volunteer recruitment, retention and training activities;

4530 b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency
4531 medical services training programs (excluding advanced life support classes); (ii) advanced life support
4532 training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and
4533 retain volunteer emergency medical services personnel only, including public awareness campaigns,
4534 technical assistance programs, and similar activities); (iv) emergency medical services system
4535 development, initiatives, and priorities based on needs identified by the State Emergency Medical
4536 Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency
4537 medical services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio
4538 communication enhancements; and (vii) improved emergency preparedness and response. Any funds set
4539 aside for distribution under this provision and remaining undistributed at the end of any fiscal year shall
4540 revert to the Rescue Squad Assistance Fund;

4541 c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

4542 d. Ten percent shall be available to the State Department of Health's Office of Emergency
4543 Medical Services for use in emergency medical services; and

4544 e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is
4545 registered, to provide funding for training of volunteer or salaried emergency medical ~~service~~ services
4546 personnel of ~~licensed~~, nonprofit emergency medical services agencies that hold a valid license issued by
4547 the Commissioner of Health and for the purchase of necessary equipment and supplies for use in such
4548 locality for ~~licensed, nonprofit~~ emergency medical ~~and rescue~~ services provided by nonprofit or
4549 volunteer emergency medical services agencies that hold a valid license issued by the Commissioner of
4550 Health.

4551 All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of
4552 the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay
4553 for the costs associated with the certification and recertification training of emergency medical services
4554 personnel.

4555 The Comptroller shall clearly designate on the warrant, check, or other means of transmitting
4556 these funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds
4557 shall be in addition to any local appropriations and local governing bodies shall not use these funds to
4558 supplant local funds. Each local governing body shall report annually to the Board of Health on the use
4559 of the funds returned to it pursuant to this section. In any case in which the local governing body grants
4560 the funds to a regional emergency medical services council to be distributed to the ~~licensed, nonprofit~~
4561 emergency medical ~~and rescue~~ services agency that holds a valid license issued by the Commissioner of
4562 Health, the local governing body shall remain responsible for the proper use of the funds. If, at the end
4563 of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that
4564 year has not been received from a local governing body, any funds due to that local governing body for
4565 the next fiscal year shall be retained until such time as the report has been submitted to the Board.

4566 B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-
4567 646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section
4568 or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by
4569 the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

4570 C. The manufacturer's shipping weight or scale weight shall be used for computing all fees
4571 required by this section to be based upon the weight of the vehicle.

4572 D. The applicant for registration bears the burden of proof that the vehicle for which registration
4573 is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the
4574 Commissioner or to his authorized agent.

4575 **§ 46.2-698. Fees for farm vehicles.**

4576 A. The fees for registration of farm motor vehicles having gross weights of 7,500 pounds or
4577 more, when such vehicles are used exclusively for farm use as defined in this section, shall be one-half

4578 of the fee per 1,000 pounds of gross weight for private carriers as calculated under the provisions of §
4579 46.2-697 and one-half of the fee for overload permits under § 46.2-1128, but the annual registration fee
4580 to be paid for each farm vehicle shall not be less than \$15.

4581 B. A farm motor vehicle is used exclusively for farm use:

4582 1. When owned by a person who is engaged either as an owner, renter, or operator of a farm of a
4583 size reasonably requiring the use of such vehicle or vehicles and when such vehicle is:

4584 a. Used in the transportation of agricultural products of the farm he is working to market, or to
4585 other points for sale or processing, or when used to transport materials, tools, equipment, or supplies
4586 which are to be used or consumed on the farm he is working, or when used for any other transportation
4587 incidental to the regular operation of such farm;

4588 b. Used in transporting forest products, including forest materials originating on a farm or
4589 incident to the regular operation of a farm, to the farm he is working or transporting for any purpose
4590 forest products which originate on the farm he is working; or

4591 c. Used in the transportation of farm produce, supplies, equipment, or materials to a farm not
4592 worked by him, pursuant to a mutual cooperative agreement.

4593 2. When the nonfarm use of such motor vehicle is limited to the personal use of the owner and
4594 his immediate family in attending church or school, securing medical treatment or supplies, or securing
4595 other household or family necessities.

4596 C. As used in this section, the term "farm" means one or more areas of land used for the
4597 production, cultivation, growing, or harvesting of agricultural products, but does not include a tree farm
4598 that is not also a nursery or Christmas tree farm, unless it is part of what otherwise is a farm. As used in
4599 this section, the term "agricultural products" means any nursery plants; Christmas trees; horticultural,
4600 viticultural, and other cultivated plants and crops; aquaculture; dairy; livestock; poultry; bee; or other
4601 farm products.

4602 D. The first application for registration of a vehicle under this section shall be made on forms
4603 provided by the Department and shall include:

4604 1. The location and acreage of each farm on which the vehicle to be registered is to be used;

- 4605 2. The type of agricultural commodities, poultry, dairy products or livestock produced on such
4606 farms and the approximate amounts produced annually;
- 4607 3. A statement, signed by the vehicle's owner, that the vehicle to be registered will only be used
4608 for one or more of the purposes specified in subsection B-~~of this section~~; and
- 4609 4. Other information required by the Department.

4610 The above information is not required for the renewal of a vehicle's registration under this
4611 section.

4612 E. The Department shall issue appropriately designated license plates for those motor vehicles
4613 registered under this section. The manner in which such license plates are designated shall be at the
4614 discretion of the Commissioner.

4615 F. The owner of a farm vehicle shall inform the Commissioner within 30 days or at the time of
4616 his next registration renewal, whichever comes first, when such vehicle is no longer used exclusively for
4617 farm use as defined in this section, and shall pay the appropriate registration fee for the vehicle based on
4618 its type of operation. It shall constitute a Class 2 misdemeanor to: (i) operate or to permit the operation
4619 of any farm motor vehicle for which the fee for registration and license plates is herein prescribed on
4620 any highway in the Commonwealth without first having paid the prescribed registration fee; or (ii)
4621 operate or permit the operation of any motor vehicle, registered under this section, for purposes other
4622 than as provided under subsection B-~~of this section~~; or (iii) operate as a for-hire vehicle.

4623 G. Nothing in this section shall affect the exemptions of agricultural and horticultural vehicles
4624 under §§ 46.2-664 through 46.2-670.

4625 H. Notwithstanding other provisions of this section, vehicles licensed under this section may be
4626 used by volunteer-~~rescue-squad-members~~ emergency medical services personnel and volunteer
4627 firefighters in responding to emergency calls, in reporting for regular duty, and in attending-~~squad~~
4628 emergency medical services agency or fire company meetings and drills.

4629 **§ 46.2-726. License plates with reserved numbers or letters; fees.**

4630 The Commissioner may, in his discretion, reserve license plates with certain registration numbers
4631 or letters or combinations thereof for issuance to persons requesting license plates so numbered and
4632 lettered.

4633 License plates with reserved numbers or letters may be issued for and displayed on ~~vehicles~~
4634 ~~operated as ambulances by private ambulance services~~ emergency medical services vehicles operated by
4635 emergency medical services agencies.

4636 The annual fee or, in the case of permanent license plates for trailers and semitrailers, the one-
4637 time fee, for the issuance of any license plates with reserved numbers or letters shall be ~~ten dollars~~ \$10
4638 plus the prescribed fee for state license plates. If those license plates with reserved numbers or letters are
4639 subject to an additional fee beyond the prescribed fee for state license plates, the fee for such special
4640 license plates with reserved numbers or letters shall be ~~ten dollars~~ \$10 plus the additional fee for the
4641 special license plates plus the prescribed fee for state license plates.

4642 The annual fee for reissuing license plates with the same combination of letters and numbers as
4643 license plates that were previously issued but not renewed shall be ~~ten dollars~~ \$10 plus the prescribed
4644 fee for state license plates. If those license plates are special license plates subject to an additional fee
4645 beyond the prescribed fee for state license plates, the fee shall be ~~ten dollars~~ \$10 plus the additional fee
4646 for the special license plates plus the prescribed fee for state license plates.

4647 **§ 46.2-735. Special license plates for members of volunteer emergency medical services**
4648 **agencies and members of volunteer emergency medical services agency auxiliaries; fees.**

4649 The Commissioner, on application, shall supply members of volunteer ~~rescue squads~~ emergency
4650 medical services agencies and members of volunteer ~~rescue squad~~ emergency medical services agency
4651 auxiliaries special license plates bearing the letters "R S" followed by numbers or letters or any
4652 combination thereof.

4653 Only one application shall be required from each volunteer ~~rescue squad~~ emergency medical
4654 services agency or volunteer ~~rescue squad~~ emergency medical services agency auxiliary. The application
4655 shall contain the names and residence addresses of all members of the volunteer emergency medical
4656 services agency and members of the volunteer emergency medical services agency auxiliary who

4657 request license plates. The Commissioner shall charge the prescribed cost of state license plates for each
4658 set of license plates issued under this section.

4659 **§ 46.2-752. Taxes and license fees imposed by counties, cities, and towns; limitations on**
4660 **amounts; disposition of revenues; requiring evidence of payment of personal property taxes and**
4661 **certain fines; prohibiting display of licenses after expiration; failure to display valid local license**
4662 **required by other localities; penalty.**

4663 A. Except as provided in § 46.2-755, counties, cities, and towns may levy and assess taxes and
4664 charge license fees on motor vehicles, trailers, and semitrailers. However, none of these taxes and
4665 license fees shall be assessed or charged by any county on vehicles owned by residents of any town
4666 located in the county when such town constitutes a separate school district if the vehicles are already
4667 subject to town license fees and taxes, nor shall a town charge a license fee to any new resident of the
4668 town, previously a resident of a county within which all or part of the town is situated, who has
4669 previously paid a license fee for the same tax year to such county. The amount of the license fee or tax
4670 imposed by any county, city, or town on any motor vehicle, trailer, or semitrailer shall not be greater
4671 than the annual or one-year fee imposed by the Commonwealth on the motor vehicle, trailer, or
4672 semitrailer. The license fees and taxes shall be imposed in such manner, on such basis, for such periods,
4673 and subject to proration for fractional periods of years, as the proper local authorities may determine.

4674 Owners or lessees of motor vehicles, trailers, and semitrailers who have served outside of the
4675 United States in the armed services of the United States shall have a 90-day grace period, beginning on
4676 the date they are no longer serving outside the United States, in which to comply with the requirements
4677 of this section. For purposes of this section, "the armed services of the United States" includes active
4678 duty service with the regular Armed Forces of the United States or the National Guard or other reserve
4679 component.

4680 Local licenses may be issued free of charge for any or all of the following:

- 4681 1. Vehicles powered by clean special fuels as defined in § 46.2-749.3, including dual-fuel and bi-
4682 fuel vehicles,
- 4683 2. Vehicles owned by volunteer ~~rescue squads~~ emergency medical services agencies,

- 4684 3. Vehicles owned by volunteer fire departments,
- 4685 4. Vehicles owned or leased by active members or active auxiliary members of volunteer ~~rescue~~
- 4686 ~~squads~~ emergency medical services agencies,
- 4687 5. Vehicles owned or leased by active members or active auxiliary members of volunteer fire
- 4688 departments,
- 4689 6. Vehicles owned or leased by auxiliary police officers,
- 4690 7. Vehicles owned or leased by volunteer police chaplains,
- 4691 8. Vehicles owned by surviving spouses of persons qualified to receive special license plates
- 4692 under § 46.2-739,
- 4693 9. Vehicles owned or leased by auxiliary deputy sheriffs or volunteer deputy sheriffs,
- 4694 10. Vehicles owned by persons qualified to receive special license plates under § 46.2-739,
- 4695 11. Vehicles owned by any of the following who served at least 10 years in the locality: former
- 4696 members of volunteer ~~rescue squads~~ emergency medical services agencies, former members of
- 4697 volunteer fire departments, former auxiliary police officers, members and former members of authorized
- 4698 police volunteer citizen support units, members and former members of authorized sheriff's volunteer
- 4699 citizen support units, former volunteer police chaplains, and former volunteer special police officers
- 4700 appointed under former § 15.2-1737. In the case of active members of volunteer ~~rescue squads~~
- 4701 emergency medical services agencies and active members of volunteer fire departments, applications for
- 4702 such licenses shall be accompanied by written evidence, in a form acceptable to the locality, of their
- 4703 active affiliation or membership, and no member of an emergency medical services agency or member
- 4704 of a volunteer fire department shall be issued more than one such license free of charge,
- 4705 12. All vehicles having a situs for the imposition of licensing fees under this section in the
- 4706 locality,
- 4707 13. Vehicles owned or leased by deputy sheriffs; however, no deputy sheriff shall be issued more
- 4708 than one such license free of charge,
- 4709 14. Vehicles owned or leased by police officers; however, no police officer shall be issued more
- 4710 than one such license free of charge,

4711 15. Vehicles owned or leased by officers of the State Police; however, no officer of the State
4712 Police shall be issued more than one such license free of charge,

4713 16. Vehicles owned or leased by salaried firefighters; however, no salaried firefighter shall be
4714 issued more than one such license free of charge,

4715 17. Vehicles owned or leased by salaried emergency medical ~~technicians~~ services personnel;
4716 however, no salaried emergency medical ~~technician~~ services personnel shall be issued more than one
4717 such license free of charge,

4718 18. Vehicles with a gross weight exceeding 10,000 pounds owned by museums officially
4719 designated by the Commonwealth,

4720 19. Vehicles owned by persons, or their surviving spouses, qualified to receive special license
4721 plates under subsection A of § 46.2-743, and

4722 20. Vehicles owned or leased by members of the Virginia Defense Force; however, no member
4723 of the Virginia Defense Force shall be issued more than one such license free of charge.

4724 The governing body of any county, city, or town issuing licenses under this section may by
4725 ordinance provide for a 50 percent reduction in the fee charged for the issuance of any such license
4726 issued for any vehicle owned or leased by any person who is 65 years old or older. No such discount,
4727 however, shall be available for more than one vehicle owned or leased by the same person.

4728 The governing body of any county, city, or town issuing licenses free of charge under this
4729 subsection may by ordinance provide for (i) the limitation, restriction, or denial of such free issuance to
4730 an otherwise qualified applicant, including without limitation the denial of free issuance to a taxpayer
4731 who has failed to timely pay personal property taxes due with respect to the vehicle and (ii) the grounds
4732 for such limitation, restriction, or denial.

4733 The situs for the imposition of licensing fees under this section shall in all cases, except as
4734 hereinafter provided, be the county, city, or town in which the motor vehicle, trailer, or semitrailer is
4735 normally garaged, stored, or parked. If it cannot be determined where the personal property is normally
4736 garaged, stored, or parked, the situs shall be the domicile of its owner. In the event the owner of the
4737 motor vehicle is a full-time student attending an institution of higher education, the situs shall be the

4738 domicile of such student, provided the student has presented sufficient evidence that he has paid a
4739 personal property tax on the motor vehicle in his domicile.

4740 B. The revenue derived from all county, city, or town taxes and license fees imposed on motor
4741 vehicles, trailers, or semitrailers shall be applied to general county, city, or town purposes.

4742 C. A county, city, or town may require that no motor vehicle, trailer, or semitrailer shall be
4743 locally licensed until the applicant has produced satisfactory evidence that all personal property taxes on
4744 the motor vehicle, trailer, or semitrailer to be licensed have been paid and satisfactory evidence that any
4745 delinquent motor vehicle, trailer, or semitrailer personal property taxes owing have been paid which
4746 have been properly assessed or are assessable against the applicant by the county, city, or town. A
4747 county, city, or town may also provide that no motor vehicle license shall be issued unless the tangible
4748 personal property taxes properly assessed or assessable by that locality on any tangible personal property
4749 used or usable as a dwelling titled by the Department of Motor Vehicles and owned by the taxpayer have
4750 been paid. Any county and any town within any such county may by agreement require that all personal
4751 property taxes assessed by either the county or the town on any vehicle be paid before licensure of such
4752 vehicle by either the county or the town.

4753 C1. The Counties of Dinwiddie, Lee, and Wise may, by ordinance or resolution adopted after
4754 public notice and hearing and, with the consent of the treasurer, require that no license may be issued
4755 under this section unless the applicant has produced satisfactory evidence that all fees, including
4756 delinquent fees, payable to such county or local solid waste authority, for the disposal of solid waste
4757 pursuant to the Virginia Water and Waste Authorities Act (§ 15.2-5100 et seq.), or pursuant to § 15.2-
4758 2159, have been paid in full. For purposes of this subsection, all fees, including delinquent fees, payable
4759 to a county for waste disposal services described herein, shall be paid to the treasurer of such county;
4760 however, in Wise County, the fee shall be paid to the county or its agent.

4761 D. The Counties of Arlington, Fairfax, Loudoun, and Prince William and towns within them and
4762 any city may require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction
4763 unless all fines owed to the jurisdiction by the owner of the vehicle, trailer, or semitrailer for violation of
4764 the jurisdiction's ordinances governing parking of vehicles have been paid. The provisions of this

4765 subsection shall not apply to vehicles owned by firms or companies in the business of renting motor
4766 vehicles.

4767 E. If in any county imposing license fees and taxes under this section, a town therein imposes
4768 like fees and taxes on vehicles of owners resident in the town, the owner of any vehicle subject to the
4769 fees or taxes shall be entitled, on the owner's displaying evidence that he has paid the fees or taxes, to
4770 receive a credit on the fees or taxes imposed by the county to the extent of the fees or taxes he has paid
4771 to the town. Nothing in this section shall deprive any town now imposing these licenses and taxes from
4772 increasing them or deprive any town not now imposing them from hereafter doing so, but subject to the
4773 limitations provided in subsection D. The governing body of any county and the governing body of any
4774 town in that county wherein each imposes the license tax herein provided may provide mutual
4775 agreements so that not more than one license plate or decal in addition to the state plate shall be
4776 required.

4777 F. Notwithstanding the provisions of subsection E, in a consolidated county wherein a tier-city
4778 exists, the tier-city may, in accordance with the provisions of the agreement or plan of consolidation,
4779 impose license fees and taxes under this section in addition to those fees and taxes imposed by the
4780 county, provided that the combined county and tier-city rates do not exceed the maximum provided in
4781 subsection A. No credit shall be allowed on the fees or taxes imposed by the county for fees or taxes
4782 paid to the tier-city, except as may be provided by the consolidation agreement or plan. The governing
4783 body of any county and the governing body of any tier-city in such county wherein each imposes the
4784 license tax herein may provide by mutual agreement that no more than one license plate or decal in
4785 addition to the state license plate shall be required.

4786 G. Any county, city, or town may by ordinance provide that it shall be unlawful for any owner or
4787 operator of a motor vehicle, trailer, or semitrailer (i) to fail to obtain and, if any required by such
4788 ordinance, to display the local license required by any ordinance of the county, city or town in which the
4789 vehicle is registered, or (ii) to display upon a motor vehicle, trailer, or semitrailer any such local license,
4790 required by ordinance to be displayed, after its expiration date. The ordinance may provide that a
4791 violation shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4

4792 misdemeanor and may, in the case of a motor vehicle registered to a resident of the locality where such
4793 vehicle is registered, authorize the issuance by local law-enforcement officers of citations, summonses,
4794 parking tickets, or uniform traffic summonses for violations. Any such ordinance may also provide that
4795 a violation of the ordinance by the registered owner of the vehicle may not be discharged by payment of
4796 a fine except upon presentation of satisfactory evidence that the required license has been obtained.
4797 Nothing in this section shall be construed to require a county, city, or town to issue a decal or any other
4798 tangible evidence of a local license to be displayed on the licensed vehicle if the county's, city's, or
4799 town's ordinance does not require display of a decal or other evidence of payment. No ordinance
4800 adopted pursuant to this section shall require the display of any local license, decal, or sticker on any
4801 vehicle owned by a public service company, as defined in § 56-76, having a fleet of at least 2,500
4802 vehicles garaged in the Commonwealth.

4803 H. Except as provided by subsections E and F, no vehicle shall be subject to taxation under the
4804 provisions of this section in more than one jurisdiction. Furthermore, no person who has purchased a
4805 local vehicle license, decal, or sticker for a vehicle in one county, city, or town and then moves to and
4806 garages his vehicle in another county, city, or town shall be required to purchase another local license,
4807 decal, or sticker from the county, city, or town to which he has moved and wherein his vehicle is now
4808 garaged until the expiration date of the local license, decal, or sticker issued by the county, city, or town
4809 from which he moved.

4810 I. Purchasers of new or used motor vehicles shall be allowed at least a 10-day grace period,
4811 beginning with the date of purchase, during which to pay license fees charged by local governments
4812 under authority of this section.

4813 J. The treasurer or director of finance of any county, city, or town may enter into an agreement
4814 with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle registration
4815 of any applicant therefor who owes to such county, city or town any local vehicle license fees or
4816 delinquent tangible personal property tax or parking citations. Before being issued any vehicle
4817 registration or renewal of such license or registration by the Commissioner, the applicant shall first
4818 satisfy all such local vehicle license fees and delinquent taxes or parking citations and present evidence

4819 satisfactory to the Commissioner that all such local vehicle license fees and delinquent taxes or parking
4820 citations have been paid in full. The Commissioner shall charge a reasonable fee to cover the costs of
4821 such enforcement action, and the treasurer or director of finance may add the cost of this fee to the
4822 delinquent tax bill or the amount of the parking citation. The treasurer or director of finance of any
4823 county, city, or town seeking to collect delinquent taxes or parking citations through the withholding of
4824 registration or renewal thereof by the Commissioner as provided for in this subsection shall notify the
4825 Commissioner in the manner provided for in his agreement with the Commissioner and supply to the
4826 Commissioner information necessary to identify the debtor whose registration or renewal is to be
4827 denied. Any agreement entered into pursuant to the provisions of this subsection shall provide the debtor
4828 notice of the intent to deny renewal of registration at least 30 days prior to the expiration date of a
4829 current vehicle registration. For the purposes of this subsection, notice by first-class mail to the
4830 registrant's address as maintained in the records of the Department of Motor Vehicles shall be deemed
4831 sufficient. In the case of parking violations, the Commissioner shall only refuse to issue or renew the
4832 vehicle registration of any applicant therefor pursuant to this subsection for the vehicle that incurred the
4833 parking violations. The provisions of this subsection shall not apply to vehicles owned by firms or
4834 companies in the business of renting motor vehicles.

4835 K. The governing bodies of any two or more counties, cities, or towns may enter into compacts
4836 for the regional enforcement of local motor vehicle license requirements. The governing body of each
4837 participating jurisdiction may by ordinance require the owner or operator of any motor vehicle, trailer,
4838 or semitrailer to display on his vehicle a valid local license issued by another county, city, or town that is
4839 a party to the regional compact, provided that the owner or operator is required by the jurisdiction of
4840 situs, as provided in § 58.1-3511, to obtain and display such license. The ordinance may also provide
4841 that no motor vehicle, trailer, or semitrailer shall be locally licensed until the applicant has produced
4842 satisfactory evidence that (i) all personal property taxes on the motor vehicle, trailer, or semitrailer to be
4843 licensed have been paid to all participating jurisdictions and (ii) any delinquent motor vehicle, trailer, or
4844 semitrailer personal property taxes that have been properly assessed or are assessable by any
4845 participating jurisdiction against the applicant have been paid. Any city and any county having the urban

4846 county executive form of government, the counties adjacent to such county and towns within them may
4847 require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction or any other
4848 jurisdiction in the compact unless all fines owed to any participating jurisdiction by the owner of the
4849 vehicle for violation of any participating jurisdiction's ordinances governing parking of vehicles have
4850 been paid. The ordinance may further provide that a violation shall constitute a misdemeanor the penalty
4851 for which shall not exceed that of a Class 4 misdemeanor. Any such ordinance may also provide that a
4852 violation of the ordinance by the owner of the vehicle may not be discharged by payment of a fine and
4853 applicable court costs except upon presentation of satisfactory evidence that the required license has
4854 been obtained. The provisions of this subsection shall not apply to vehicles owned by firms or
4855 companies in the business of renting motor vehicles.

4856 L. In addition to the taxes and license fees permitted in subsection A, counties, cities, and towns
4857 may charge a license fee of no more than \$1 per motor vehicle, trailer, and semitrailer. Except for the
4858 provisions of subsection B, such fee shall be subject to all other provisions of this section. All funds
4859 collected pursuant to this subsection shall be paid pursuant to § 51.1-1204 to the Volunteer Firefighters'
4860 and Rescue Squad Workers' Service Award Fund to the accounts of all members of the Fund who are
4861 volunteers for fire departments or ~~rescue squads~~ emergency medical services agencies within the
4862 jurisdiction of the particular county, city, or town.

4863 **§ 46.2-818. Stopping vehicle of another; blocking access to premises; damaging or**
4864 **threatening commercial vehicle or operator thereof; penalties.**

4865 No person shall intentionally and willfully:

4866 1. Stop the vehicle of another for the sole purpose of impeding its progress on the highways,
4867 except in the case of an emergency or mechanical breakdown;

4868 2. Block the access to or egress from any premises of any service facility operated for the
4869 purposes of (i) selling fuel for motor vehicles, (ii) performing repair services on motor vehicles, or (iii)
4870 furnishing food, rest, or any other convenience for the use of persons operating motor vehicles engaged
4871 in intrastate and interstate commerce on the highways of ~~this~~ the Commonwealth;

4872 | 3. Damage any vehicle engaged in commerce on the highways of ~~this~~ the Commonwealth, or
4873 | threaten, assault, or otherwise harm the person of any operator of a motor vehicle being used for the
4874 | transportation of property for hire.

4875 | Any person violating any provision of this section ~~shall be~~ is guilty of a Class 1 misdemeanor,
4876 | and in addition, his driver's license may be suspended by the court for a period of not more than one
4877 | year. The court shall forward such license to the Department as provided by § 46.2-398.

4878 | The provisions of this section shall not apply to any law-enforcement officer, school guard, ~~fire~~
4879 | ~~fighter~~ firefighter, or ~~member of a rescue squad~~ emergency medical services personnel engaged in the
4880 | performance of his duties nor to any vehicle owned or controlled by the Virginia Department of
4881 | Transportation while engaged in the construction, reconstruction, or maintenance of highways.

4882 | **§ 46.2-915.1. All-terrain vehicles and off-road motorcycles; penalty.**

4883 | A. No all-terrain vehicle shall be operated:

4884 | 1. On any public highway, or other public property, except (i) as authorized by proper
4885 | authorities, (ii) to the extent necessary to cross a public highway by the most direct route, or (iii) by law-
4886 | enforcement officers, firefighters, or ~~rescue squad~~ emergency medical services personnel responding to
4887 | emergencies;

4888 | 2. By any person under the age of 16, except that (i) children between the ages of 12 and 16 may
4889 | operate all-terrain vehicles powered by engines of no more than 90 cubic centimeters displacement and
4890 | (ii) children less than 12 years old may operate all-terrain vehicles powered by engines of no more than
4891 | 70 cubic centimeters displacement;

4892 | 3. By any person unless he is wearing a protective helmet of a type approved by the
4893 | Superintendent of State Police for use by motorcycle operators;

4894 | 4. On another person's property without the written consent of the owner of the property or as
4895 | explicitly authorized by law; or

4896 | 5. With a passenger at any time, unless such all-terrain vehicle is designed and equipped to be
4897 | operated with more than one rider.

4898 B. Notwithstanding subsection A, all-terrain vehicles may be operated on the highways in
4899 Buchanan County and Tazewell County if the following conditions are met:

4900 1. Such operation is approved by action of the Buchanan County Board of Supervisors for
4901 operation along the Pocahontas Trail on Bill Young Mountain and across Virginia Route 635 in
4902 Buchanan County and approved by action of the Tazewell County Board of Supervisors for operation
4903 along the Pocahontas Trail in and between the Town of Pocahontas and Boissevain; across Virginia
4904 Routes 644, 663, 659, 627, 734, and 747; within the corporate limits of the Town of Pocahontas in
4905 Tazewell County; and across property of the Virginia Department of Corrections in Tazewell County,
4906 provided that permission is granted for such operation pursuant to § 2.2-1150;

4907 2. Signs, whose design, number, and location are approved by the Virginia Department of
4908 Transportation, have been posted warning motorists that all-terrain vehicles may be operating on the
4909 highway;

4910 3. Such all-terrain vehicles are operated during daylight hours on the highway for no more than
4911 one mile between one off-road trail and another;

4912 4. Signs required by this subsection are purchased and installed by the person or club requesting
4913 the Board of Supervisors' approval for such over-the-road operation of all-terrain vehicles;

4914 5. All-terrain vehicles operators shall, when operating on the highway, obey all rules of the road
4915 applicable to other motor vehicles;

4916 6. Riders of such all-terrain vehicles shall wear approved helmets; and

4917 7. Such all-terrain vehicles shall operate at speeds of no more than 25 miles per hour.

4918 No provision of this subsection shall be construed to require all-terrain vehicles operated on a
4919 highway as provided in this subsection to comply with lighting requirements contained in this title.

4920 C. Any retailer selling any all-terrain vehicle shall affix thereto, or verify that there is affixed
4921 thereto, a decal or sticker, approved by the Superintendent of State Police, which clearly and completely
4922 states the prohibition contained in subsection A ~~of this section~~.

4923 D. A violation of this section shall not constitute negligence, be considered in mitigation of
4924 damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any

4925 action for the recovery of damages arising out of the operation, ownership, or maintenance of an all-
4926 terrain vehicle or off-road motorcycle, nor shall anything in this section change any existing law, rule, or
4927 procedure pertaining to any such civil action, nor shall this section bar any claim which otherwise exists.

4928 E. Violation of any provision of this section shall be punishable by a civil penalty of not more
4929 than \$500.

4930 F. The provisions of this section shall not apply:

4931 1. To any all-terrain vehicle being used in conjunction with farming activities; or

4932 2. To members of the household or employees of the owner or lessee of private property on
4933 which the all-terrain vehicle is operated.

4934 G. For the purposes of this section, "all-terrain vehicle" shall have the meaning ascribed in §
4935 46.2-100.

4936 **§ 46.2-920. Certain vehicles exempt from regulations in certain situations; exceptions and**
4937 **additional requirements.**

4938 A. The driver of any emergency vehicle, when such vehicle is being used in the performance of
4939 public services, and when such vehicle is operated under emergency conditions, may, without subjecting
4940 himself to criminal prosecution:

4941 1. Disregard speed limits, while having due regard for safety of persons and property;

4942 2. Proceed past any steady or flashing red signal, traffic light, stop sign, or device indicating
4943 moving traffic shall stop if the speed of the vehicle is sufficiently reduced to enable it to pass a signal,
4944 traffic light, or device with due regard to the safety of persons and property;

4945 3. Park or stop notwithstanding the other provisions of this chapter;

4946 4. Disregard regulations governing a direction of movement of vehicles turning in specified
4947 directions so long as the operator does not endanger life or property;

4948 5. Pass or overtake, with due regard to the safety of persons and property, another vehicle at any
4949 intersection;

4950 6. Pass or overtake with due regard to the safety of persons and property, while en route to an
4951 emergency, stopped or slow-moving vehicles, by going to the left of the stopped or slow-moving vehicle
4952 either in a no-passing zone or by crossing the highway centerline; or

4953 7. Pass or overtake with due regard to the safety of persons and property, while en route to an
4954 emergency, stopped or slow-moving vehicles, by going off the paved or main traveled portion of the
4955 roadway on the right. Notwithstanding other provisions of this section, vehicles exempted in this
4956 instance will not be required to sound a siren or any device to give automatically intermittent signals.

4957 B. The exemptions granted to emergency vehicles by subsection A in subdivisions A1, A3, A4,
4958 A5, and A6 shall apply only when the operator of such vehicle displays a flashing, blinking, or
4959 alternating emergency light or lights as provided in §§ 46.2-1022 and 46.2-1023 and sounds a siren,
4960 exhaust whistle, or air horn designed to give automatically intermittent signals, as may be reasonably
4961 necessary. The exemption granted under subdivision A 2 shall apply only when the operator of such
4962 emergency vehicle displays a flashing, blinking, or alternating emergency light or lights as provided in
4963 §§ 46.2-1022 and 46.2-1023 and either (a) sounds a siren, exhaust whistle, or air horn designed to give
4964 automatically intermittent signals or (b) slows the vehicle down to a speed reasonable for the existing
4965 conditions, yields right-of-way to the driver of another vehicle approaching or entering the intersection
4966 from another direction or, if required for safety, brings the vehicle to a complete stop before proceeding
4967 with due regard for the safety of persons and property. In addition, the exemptions granted to emergency
4968 vehicles by subsection A shall apply only when there is in force and effect for such vehicle either (i)
4969 standard motor vehicle liability insurance covering injury or death to any person in the sum of at least
4970 \$100,000 because of bodily injury to or death of one person in any one accident and, subject to the limit
4971 for one person, to a limit of \$300,000 because of bodily injury to or death of two or more persons in any
4972 one accident, and to a limit of \$20,000 because of injury to or destruction of property of others in any
4973 one accident or (ii) a certificate of self-insurance issued pursuant to § 46.2-368. Such exemptions shall
4974 not, however, protect the operator of any such vehicle from criminal prosecution for conduct
4975 constituting reckless disregard of the safety of persons and property. Nothing in this section shall release
4976 the operator of any such vehicle from civil liability for failure to use reasonable care in such operation.

4977 C. For the purposes of this section, the term "emergency vehicle" shall mean:

4978 1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local
4979 law-enforcement officer (i) in the chase or apprehension of violators of the law or persons charged with
4980 or suspected of any such violation or (ii) in response to an emergency call;

4981 2. Any regional detention center vehicle operated by or under the direction of a correctional
4982 officer responding to an emergency call or operating in an emergency situation;

4983 3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when
4984 traveling in response to a fire alarm or emergency call;

4985 4. Any ~~ambulance, rescue, or life-saving~~ emergency medical services vehicle designed or used
4986 for the principal purpose of ~~supplying resuscitation or emergency relief~~ providing emergency medical
4987 services where human life is endangered;

4988 5. Any Department of Emergency Management vehicle or Office of Emergency Medical
4989 Services vehicle, when responding to an emergency call or operating in an emergency situation;

4990 6. Any Department of Corrections vehicle designated by the Director of the Department of
4991 Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a
4992 drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a
4993 request for assistance from a law-enforcement officer; and

4994 7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and
4995 white secondary warning lights under the provisions of § 46.2-1029.2.

4996 D. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local
4997 law-enforcement officer may disregard speed limits, while having due regard for safety of persons and
4998 property, (i) in testing the accuracy of speedometers of such vehicles, (ii) in testing the accuracy of
4999 speed measuring devices specified in § 46.2-882, or (iii) in following another vehicle for the purpose of
5000 determining its speed.

5001 E. A Department of Environmental Quality vehicle, while en route to an emergency and with due
5002 regard to the safety of persons and property, may overtake and pass stopped or slow-moving vehicles by
5003 going off the paved or main traveled portion of the highway on the right or on the left. These

5004 Department of Environmental Quality vehicles shall not be required to sound a siren or any device to
5005 give automatically intermittent signals, but shall display red or red and white warning lights when
5006 performing such maneuvers.

5007 F. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local
5008 law-enforcement officer while conducting a funeral escort, wide-load escort, dignitary escort, or any
5009 other escort necessary for the safe movement of vehicles and pedestrians may, without subjecting
5010 himself to criminal prosecution:

- 5011 1. Disregard speed limits, while having due regard for safety of persons and property;
- 5012 2. Proceed past any steady or flashing red signal, traffic light, stop sign, or device indicating
5013 moving traffic shall stop if the speed of the vehicle is sufficiently reduced to enable it to pass a signal,
5014 traffic light, or device with due regard for the safety of persons and property;
- 5015 3. Park or stop notwithstanding the other provisions of this chapter;
- 5016 4. Disregard regulations governing a direction of movement of vehicles turning in specified
5017 directions so long as the operator does not endanger life or property; or
- 5018 5. Pass or overtake, with due regard for the safety of persons and property, another vehicle.

5019 Notwithstanding other provisions of this section, vehicles exempted in this subsection may sound
5020 a siren or any device to give automatically intermittent signals.

5021 **§ 46.2-921. Following or parking near fire apparatus or emergency medical services**
5022 **vehicle.**

5023 It shall be unlawful, in any county, city, or town for the driver of any vehicle, other than one on
5024 official business, to follow any fire apparatus or ~~rescue-squad~~ emergency medical services vehicle
5025 traveling in response to a fire alarm or emergency call at any distance closer than 500 feet to such
5026 apparatus or ~~rescue-squad~~ emergency medical services vehicle or to park such vehicle within 500 feet of
5027 where fire apparatus has stopped in answer to a fire alarm.

5028 **§ 46.2-1020. Other permissible lights.**

5029 Any motor vehicle may be equipped with fog lights, not more than two of which can be
5030 illuminated at any time, one or two auxiliary driving lights if so equipped by the manufacturer, two

5031 daytime running lights, two side lights of not more than six candlepower, an interior light or lights of not
5032 more than 15 candlepower each, and signal lights.

5033 The provision of this section limiting interior lights to no more than 15 candlepower shall not
5034 apply to (i) alternating, blinking, or flashing colored emergency lights mounted inside law-enforcement
5035 motor vehicles which may otherwise legally be equipped with such colored emergency lights, or (ii)
5036 flashing shielded red or red and white lights, authorized under § 46.2-1024, mounted inside vehicles
5037 owned or used by (a) members of volunteer fire companies or volunteer ~~rescue squads~~ emergency
5038 medical services agencies, (b) professional ~~fire fighters~~ firefighters, or (c) police chaplains. A vehicle
5039 equipped with lighting devices as authorized in this section shall be operated by a police chaplain only if
5040 he has successfully completed a course of training in the safe operation of a motor vehicle under
5041 emergency conditions and a certificate attesting to such successful completion, signed by the course
5042 instructor, is carried at all times in the vehicle when operated by the police chaplain to whom the
5043 certificate applies.

5044 Unless such lighting device is both covered and unlit, no motor vehicle which is equipped with
5045 any lighting device other than lights required or permitted in this article, required or approved by the
5046 Superintendent, or required by the federal Department of Transportation shall be operated on any
5047 highway in the Commonwealth. Nothing in this section shall permit any vehicle, not otherwise
5048 authorized, to be equipped with colored emergency lights, whether blinking or steady-burning.

5049 **§ 46.2-1023. Flashing red or red and white warning lights.**

5050 Fire apparatus, forest warden vehicles, ~~ambulances, rescue and life-saving~~ emergency medical
5051 services vehicles, vehicles of the Department of Emergency Management, vehicles of the Department of
5052 Environmental Quality, vehicles of the Virginia National Guard Civil Support Team when responding to
5053 an emergency, vehicles of county, city, or town Departments of Emergency Management, vehicles of
5054 the Office of Emergency Medical Services, animal warden vehicles, and vehicles used by security
5055 personnel of the Huntington Ingalls Industries, Bassett-Walker, Inc., the Winchester Medical Center, the
5056 National Aeronautics and Space Administration's Wallops Flight Facility, and, within those areas
5057 specified in their orders of appointment, by special conservators of the peace and policemen for certain

5058 places appointed pursuant to §§ 19.2-13 and 19.2-17 may be equipped with flashing, blinking, or
5059 alternating red or red and white combination warning lights of types approved by the Superintendent.
5060 Such warning lights may be of types constructed within turn signal housings or motorcycle headlight
5061 housings, subject to approval by the Superintendent.

5062 **§ 46.2-1024. Flashing or steady-burning red or red and white warning lights.**

5063 Any member of a fire department, volunteer fire company, or volunteer ~~rescue squad, any~~
5064 ~~ambulance driver employed by a privately owned ambulance service,~~ emergency medical services
5065 agency and any police chaplain may equip one vehicle owned by him with no more than two flashing or
5066 steady-burning red or red and white combination warning lights of types approved by the
5067 Superintendent. Warning lights permitted by this section shall be lit only when answering emergency
5068 calls. A vehicle equipped with lighting devices as authorized in this section shall be operated by a police
5069 chaplain only if he has successfully completed a course of training in the safe operation of a motor
5070 vehicle under emergency conditions and a certificate attesting to such successful completion, signed by
5071 the course instructor, is carried at all times in the vehicle when operated by the police chaplain to whom
5072 the certificate applies.

5073 **§ 46.2-1025. Flashing amber, purple, or green warning lights.**

5074 A. The following vehicles may be equipped with flashing, blinking, or alternating amber warning
5075 lights of types approved by the Superintendent:

- 5076 1. Vehicles used for the principal purpose of towing or servicing disabled vehicles;
- 5077 2. Vehicles used in constructing, maintaining, and repairing highways or utilities on or along
5078 public highways;
- 5079 3. Vehicles used for the principal purpose of removing hazardous or polluting substances from
5080 state waters and drainage areas on or along public highways, or state vehicles used to perform other
5081 state-required environmental activities, provided that the amber lights are not lit while the vehicle is in
5082 motion;
- 5083 4. Vehicles used for servicing automatic teller machines, provided the amber lights are not lit
5084 while the vehicle is in motion;

- 5085 5. Vehicles used in refuse collection, provided the amber lights are lit only when the vehicles are
5086 engaged in refuse collection operations;
- 5087 6. Vehicles used by individuals for emergency snow-removal purposes;
- 5088 7. Hi-rail vehicles, provided the amber lights are lit only when the vehicles are operated on
5089 railroad rails;
- 5090 8. Fire apparatus, ~~ambulances, and rescue and life-saving and emergency medical services~~
5091 vehicles, provided the amber lights are used in addition to lights permitted under § 46.2-1023 and are so
5092 mounted or installed as to be visible from behind the vehicle;
- 5093 9. Vehicles owned and used by businesses providing security services, provided the amber lights
5094 are not lit while the vehicle is being operated on a public highway;
- 5095 10. Vehicles used to collect and deliver the United States mail, provided the amber lights are lit
5096 only when the vehicle is actually engaged in such collection or delivery;
- 5097 11. Vehicles used to transport petroleum or propane products, provided the amber light is
5098 mounted on the rear of the vehicle and is lit when parked while making a delivery of petroleum or
5099 propane products, or when the vehicle's back-up lights are lit and its device producing an audible signal
5100 when the vehicle is operated in reverse gear, as provided for in § 46.2-1175.1, is in operation;
- 5101 12. Vehicles used by law-enforcement agency personnel in the enforcement of laws governing
5102 motor vehicle parking;
- 5103 13. Government-owned law-enforcement vehicles, provided the lights are used for the purpose of
5104 giving directional warning to vehicular traffic to move one direction or another and are not lit while the
5105 vehicle is in motion;
- 5106 14. Chase vehicles when used to unload a hot air balloon or used to load a hot air balloon after
5107 landing, provided the amber lights are not lit while the vehicle is in motion;
- 5108 15. Vehicles used for farm, agricultural, or horticultural purposes, or any farm tractor;
- 5109 16. Vehicles owned and used by construction companies operating under Virginia contractors
5110 licenses;

5111 17. Vehicles used to lead or provide escorts for bicycle races authorized by the Department of
5112 Transportation or the locality in which the race is being conducted;

5113 18. Vehicles used by radio or television stations for remote broadcasts, provided that the amber
5114 lights are not lit while the vehicle is in motion;

5115 19. Vehicles used by municipal safety officers in the performance of their official duties. For the
5116 purpose of this subdivision, "municipal safety officers" means municipal employees responsible for
5117 managing municipal safety programs and ensuring municipal compliance with safety and environmental
5118 regulatory mandates;

5119 20. Vehicles used as pace cars, security vehicles, or fire-fighting vehicles by any speedway or
5120 motor vehicle race track, provided that the amber lights are not lit while the vehicle is being operated on
5121 a public highway;

5122 21. Vehicles used in patrol work by members of neighborhood watch groups approved by the
5123 chief law-enforcement officer of the locality in their assigned neighborhood watch program area,
5124 provided that the vehicles are clearly identified as neighborhood watch vehicles, and the amber lights are
5125 not lit while the vehicle is in motion; and

5126 22. Vehicles that are not tow trucks as defined in § 46.2-100, but are owned or controlled by a
5127 towing and recovery business, provided that the amber lights are lit only when the vehicle is being used
5128 at a towing and recovery site.

5129 B. Except as otherwise provided in this section, such amber lights shall be lit only when
5130 performing the functions which qualify them to be equipped with such lights.

5131 C. Vehicles used to lead or provide escorts for funeral processions may use either amber warning
5132 lights or purple warning lights, but amber warning lights and purple warning lights shall not
5133 simultaneously be used on the same vehicle. The Superintendent of State Police shall develop standards
5134 and specifications for purple lights authorized in this subsection.

5135 D. Vehicles used by police, ~~fire fighting~~ firefighting, or ~~rescue~~ emergency medical services
5136 personnel as command centers at the scene of incidents may be equipped with and use green warning

5137 lights of a type approved by the Superintendent. Such lights shall not be activated while the vehicle is
5138 operating upon the highway.

5139 **§ 46.2-1027. Warning lights on certain demonstrator vehicles.**

5140 Dealers or businesses engaged in the sale of fire, ~~rescue~~ emergency medical services, or law-
5141 enforcement vehicles ~~or ambulances~~ may, for demonstration purposes, equip such vehicles with colored
5142 warning lights.

5143 **§ 46.2-1028. Auxiliary lights on firefighting, Virginia Department of Transportation, and**
5144 **other emergency vehicles.**

5145 Any ~~fire fighting~~ firefighting vehicle, ~~ambulance, rescue or life saving~~ emergency medical
5146 services vehicle, Virginia Department of Transportation vehicle, or tow truck may be equipped with
5147 clear auxiliary lights, which shall be used exclusively for lighting emergency scenes. Such lights shall be
5148 of a type approved by the Superintendent, and shall not be used in a manner ~~which that~~ may blind or
5149 interfere with the vision of the drivers of approaching vehicles. In no event shall such lights be lighted
5150 while the vehicle is in motion.

5151 **§ 46.2-1029.2. Certain vehicles may be equipped with secondary warning lights.**

5152 In addition to other lights authorized by this article, any (i) fire apparatus, (ii) government-owned
5153 vehicle operated on official business by a local fire chief or other local fire official, and (iii) ~~rescue~~
5154 ~~squad vehicle, ambulance, or any other~~ emergency medical services vehicle may be equipped with
5155 alternating, blinking, or flashing red or red and white secondary warning lights mounted inside the
5156 vehicle's taillights or marker lights of a type approved by the Superintendent of State Police.

5157 **§ 46.2-1044. Cleats, etc., on tires; chains; tires with studs.**

5158 No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange,
5159 cleat, spike, or any other protuberance of any material other than rubber which projects beyond the tread
5160 of the traction surface of the tire. It shall be permissible, however, to use on the highways farm
5161 machinery having protuberances which will not injure the highway and to use tire chains of reasonable
5162 proportions when required for safety because of snow, ice, or other conditions tending to cause a vehicle
5163 to slide or skid. It shall also be permissible to use on any vehicle whose gross weight does not exceed

5164 10,000 pounds tires with studs which project no more than one-sixteenth of an inch beyond the tread of
5165 the traction surface of the tire when compressed if the studs cover no more than three percent of the
5166 traction surface of the tire.

5167 The use of studded tires shall be permissible only from October 15 to April 15.

5168 The provisions of this section shall not apply to any (i) law-enforcement vehicle operated by or
5169 under the direction of a federal, state, or local law-enforcement officer; (ii) vehicle used to fight fire,
5170 including publicly owned state forest warden vehicles; (iii) ~~ambulance, rescue, or life-saving emergency~~
5171 ~~medical services~~ vehicle; or (iv) vehicle owned or operated by the Virginia Department of
5172 Transportation or its contractors in maintenance and emergency response operations.

5173 **§ 46.2-1052. Tinting films, signs, decals, and stickers on windshields, etc.; penalties.**

5174 A. Except as otherwise provided in this article or permitted by federal law, it shall be unlawful
5175 for any person to operate any motor vehicle on a highway with any sign, poster, colored or tinted film,
5176 sun-shading material, or other colored material on the windshield, front or rear side windows, or rear
5177 windows of such motor vehicle. This provision, however, shall not apply to any certificate or other
5178 paper required by law or permitted by the Superintendent to be placed on a motor vehicle's windshield
5179 or window.

5180 The size of stickers or decals used by counties, cities, and towns in lieu of license plates shall be
5181 in compliance with regulations promulgated by the Superintendent. Such stickers shall be affixed on the
5182 windshield at a location designated by the Superintendent.

5183 B. Notwithstanding the foregoing provisions of this section, whenever a motor vehicle is
5184 equipped with a mirror on each side of such vehicle, so located as to reflect to the driver of such vehicle
5185 a view of the highway for at least 200 feet to the rear of such vehicle, any or all of the following shall be
5186 lawful:

5187 1. To drive a motor vehicle equipped with one optically grooved clear plastic right-angle rear
5188 view lens attached to one rear window of such motor vehicle, not exceeding 18 inches in diameter in the
5189 case of a circular lens or not exceeding 11 inches by 14 inches in the case of a rectangular lens, which

5190 enables the driver of the motor vehicle to view below the line of sight as viewed through the rear
5191 window;

5192 2. To have affixed to the rear side windows, rear window or windows of a motor vehicle any
5193 sticker or stickers, regardless of size; or

5194 3. To drive a motor vehicle when the driver's clear view of the highway through the rear window
5195 or windows is otherwise obstructed.

5196 C. Except as provided in § 46.2-1053, but notwithstanding the foregoing provisions of this
5197 section, no sun-shading or tinting film may be applied or affixed to any window of a motor vehicle
5198 unless such motor vehicle is equipped with a mirror on each side of such motor vehicle, so located as to
5199 reflect to the driver of the vehicle a view of the highway for at least 200 feet to the rear of such vehicle,
5200 and the sun-shading or tinting film is applied or affixed in accordance with the following:

5201 1. No sun-shading or tinting films may be applied or affixed to the rear side windows or rear
5202 window or windows of any motor vehicle operated on the highways of ~~this~~ the Commonwealth that
5203 reduce the total light transmittance of such window to less than 35 percent;

5204 2. No sun-shading or tinting films may be applied or affixed to the front side windows of any
5205 motor vehicle operated on the highways of ~~this~~ the Commonwealth that reduce total light transmittance
5206 of such window to less than 50 percent;

5207 3. No sun-shading or tinting films shall be applied or affixed to any window of a motor vehicle
5208 that (i) have a reflectance of light exceeding 20 percent or (ii) produce a holographic or prism effect.

5209 Any person who operates a motor vehicle on the highways of ~~this~~ the Commonwealth with sun-
5210 shading or tinting films that (i) have a total light transmittance less than that required by subdivisions 1
5211 and 2 ~~of this subsection~~, (ii) have a reflectance of light exceeding 20 percent, or (iii) produce
5212 holographic or prism effects ~~shall be~~ is guilty of a traffic infraction but shall not be awarded any demerit
5213 points by the Commissioner for the violation.

5214 Any person or firm who applies or affixes to the windows of any motor vehicle in Virginia sun-
5215 shading or tinting films that (i) reduce the light transmittance to levels less than that allowed in
5216 subdivisions 1 and 2 ~~of this subsection~~, (ii) have a reflectance of light exceeding 20 percent, or (iii)

5217 | produce holographic or prism effects ~~shall be is~~ guilty of a Class 3 misdemeanor for the first offense and
5218 | of a Class 2 misdemeanor for any subsequent offense.

5219 | D. The Division of Purchases and Supply, pursuant to § 2.2-1112, shall determine the proper
5220 | standards for equipment or devices used to measure light transmittance through windows of motor
5221 | vehicles. Law-enforcement officers shall use only such equipment or devices to measure light
5222 | transmittance through windows that meet the standards established by the Division. Such measurements
5223 | made by law-enforcement officers shall be given a tolerance of minus seven percentage points.

5224 | E. No film or darkening material may be applied on the windshield except to replace the
5225 | sunshield in the uppermost area as installed by the manufacturer of the vehicle.

5226 | F. Nothing in this section shall prohibit the affixing to the rear window of a motor vehicle of a
5227 | single sticker no larger than 20 square inches if such sticker is totally contained within the lower five
5228 | inches of the glass of the rear window, nor shall subsection B ~~of this section~~ apply to a motor vehicle to
5229 | which but one such sticker is so affixed.

5230 | G. Nothing in this section shall prohibit applying to the rear side windows or rear window of any
5231 | multipurpose passenger vehicle or pickup truck sun-shading or tinting films that reduce the total light
5232 | transmittance of such window or windows below 35 percent.

5233 | H. As used in this article:

5234 | "Front side windows" means those windows located adjacent to and forward of the driver's seat;

5235 | "Holographic effect" means a picture or image that may remain constant or change as the
5236 | viewing angle is changed;

5237 | "Multipurpose passenger vehicle" means any motor vehicle that is (i) designed to carry no more
5238 | than 10 persons and (ii) constructed either on a truck chassis or with special features for occasional off-
5239 | road use;

5240 | "Prism effect" means a visual, iridescent, or rainbow-like effect that separates light into various
5241 | colored components that may change depending on viewing angle;

5242 | "Rear side windows" means those windows located to the rear of the driver's seat;

5243 "Rear window" or "rear windows" means those windows which are located to the rear of the
5244 passenger compartment of a motor vehicle and which are approximately parallel to the windshield.

5245 I. Notwithstanding the foregoing provisions of this section, sun-shading material which was
5246 applied or installed prior to July 1, 1987, in a manner and on which windows not then in violation of
5247 Virginia law, shall continue to be lawful, provided that it can be shown by appropriate receipts that such
5248 material was installed prior to July 1, 1987.

5249 J. Where a person is convicted within one year of a second or subsequent violation of this section
5250 involving the operation of the same vehicle having a tinted or smoked windshield, the court, in addition
5251 to any other penalty, may order the person so convicted to remove such tinted or smoked windshield
5252 from the vehicle.

5253 K. The provisions of this section shall not apply to law-enforcement vehicles.

5254 L. The provisions of this section shall not apply to the rear windows or rear side windows of any
5255 ~~ambulance, rescue squad vehicle, or any other~~ emergency medical services vehicle used to transport
5256 patients.

5257 M. The provisions of subdivision C 1 ~~of this section~~ shall not apply to sight-seeing carriers as
5258 defined in § 46.2-2000 and contract passenger carriers as defined in § 46.2-2000.

5259 **§ 46.2-1076. Lettering on certain vehicles.**

5260 A. No person shall drive, cause to be driven, or permit the driving of a "for hire" motor vehicle
5261 on the highways in the Commonwealth unless the legal name or trade name of the motor carrier as
5262 defined in Chapter 20 (§ 46.2-2000 et seq.) or Chapter 21 (§ 46.2-2100 et seq.) operating the vehicle is
5263 plainly displayed on both sides of the vehicle. The letters and numerals in the display shall be of such
5264 size, shape, and color as to be readily legible during daylight hours from a distance of ~~fifty~~ 50 feet while
5265 the vehicle is not in motion. The display shall be kept legible and may take the form of a removable
5266 device which meets the identification and legibility requirements of this section.

5267 B. This section shall not apply to any motor vehicle:

- 5268 1. Having a registered gross weight of less than 10,000 pounds;
5269 2. Which is used exclusively for wedding, ~~ambulance,~~ or funeral services; ~~or~~

5270 3. Which is rented without chauffeur and operated under a valid lease which gives the lessee
5271 exclusive control of the vehicle; or

5272 4. Which is used exclusively as an emergency medical services vehicle.

5273 C. Subsection A ~~of this section~~ shall also apply to tow trucks used in providing service to the
5274 public for hire. For the purposes of this section, "tow truck" means any motor vehicle which is
5275 constructed and used primarily for towing, lifting, or otherwise moving disabled vehicles.

5276 D. No person shall drive on the highways in the Commonwealth a pickup or panel truck, tractor
5277 truck, trailer, or semitrailer bearing any name other than that of the vehicle's owner or lessee. However,
5278 the provisions of this subsection shall not apply to advertising material for another, displayed pursuant to
5279 a valid contract.

5280 **§ 46.2-1077.1. Mobile infrared transmitters; demerit points not to be awarded.**

5281 A. It shall be unlawful for any person to operate a motor vehicle on the highways of the
5282 Commonwealth when such vehicle is equipped with a mobile infrared transmitter or any other device or
5283 mechanism, passive or active, used to preempt or change the signal given by a traffic light so as to give
5284 the right-of-way to the vehicle equipped with such device. It shall be unlawful to use any such device or
5285 mechanism on any such motor vehicle on the highways. It shall be unlawful to sell any such device or
5286 mechanism in the Commonwealth, except for uses permitted under this section. In addition, the
5287 provisions of this section shall not apply to any law-enforcement, ~~fire-fighting~~ firefighting, ~~life-saving~~,
5288 ~~or rescue vehicle or ambulance~~ or emergency medical services vehicle responding to an emergency call
5289 or operating in an emergency situation or any vehicle providing public transportation service in a
5290 corridor approved for public transportation priority by the Virginia Department of Transportation or the
5291 governing body of any county, city, or town having control of the highways within its boundaries.

5292 This section shall not be construed to authorize the forfeiture to the Commonwealth of any such
5293 device or mechanism. Any such device or mechanism may be taken by the arresting officer if needed as
5294 evidence, and, when no longer needed, shall be returned to the person charged with a violation of this
5295 section, or at that person's request and his expense, mailed to an address specified by him. Any

5296 unclaimed devices may be destroyed on court order after six months have elapsed from the final date for
5297 filing an appeal.

5298 Except as provided in subsection B ~~of this section~~, the presence of any such prohibited device or
5299 mechanism in or on a motor vehicle on the highways of the Commonwealth shall constitute prima facie
5300 evidence of the violation of this section. The Commonwealth need not prove that the device or
5301 mechanism in question was in an operative condition or being operated.

5302 B. A person shall not be guilty of a violation of this section when the device or mechanism in
5303 question, at the time of the alleged offense, had no power source and was not readily accessible for use
5304 by the driver or any passenger in the vehicle.

5305 C. No demerit points shall be awarded by the Commissioner for violations of this section.

5306 **§ 46.2-1078.1. Use of handheld personal communications devices in certain motor vehicles;**
5307 **exceptions; penalty.**

5308 A. It is unlawful for any person to operate a moving motor vehicle on the highways in the
5309 Commonwealth while using any handheld personal communications device to:

5310 1. Manually enter multiple letters or text in the device as a means of communicating with another
5311 person; or

5312 2. Read any email or text message transmitted to the device or stored within the device, provided
5313 that this prohibition shall not apply to any name or number stored within the device nor to any caller
5314 identification information.

5315 B. The provisions of this section shall not apply to:

5316 1. The operator of any emergency vehicle while he is engaged in the performance of his official
5317 duties;

5318 2. An operator who is lawfully parked or stopped;

5319 3. The use of factory-installed or aftermarket global positioning systems (GPS) or wireless
5320 communications devices used to transmit or receive data as part of a digital dispatch system; or

5321 4. Any person using a handheld personal communications device to report an emergency.

5322 C. A violation of this section is a traffic infraction punishable, for a first offense, by a fine of
5323 \$125 and, for a second or subsequent offense, by a fine of \$250.

5324 For the purposes of this section, "emergency vehicle" means:

5325 1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local
5326 law-enforcement officer;

5327 2. Any regional detention center vehicle operated by or under the direction of a correctional
5328 officer responding to an emergency call or operating in an emergency situation;

5329 3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when
5330 traveling in response to a fire alarm or emergency call;

5331 4. Any ~~ambulance, rescue, or life-saving~~ emergency medical services vehicle designed or used
5332 for the principal purpose of ~~supplying resuscitation or~~ emergency-relief medical services where human
5333 life is endangered;

5334 5. Any Department of Emergency Management vehicle or Office of Emergency Medical
5335 Services vehicle, when responding to an emergency call or operating in an emergency situation;

5336 6. Any Department of Corrections vehicle designated by the Director of the Department of
5337 Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a
5338 drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a
5339 request for assistance from a law-enforcement officer; and

5340 7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and
5341 white secondary warning lights pursuant to § 46.2-1029.2.

5342 D. Distracted driving shall be included as a part of the driver's license knowledge examination.

5343 **§ 46.2-1239. Parking in certain locations; penalty.**

5344 No person shall park a vehicle or permit it to stand, whether attended or unattended, on a
5345 highway in front of a private driveway, within ~~fifteen~~ 15 feet of a fire hydrant or the entrance to a fire
5346 station, within ~~fifteen~~ 15 feet of the entrance to a plainly designated ~~building housing rescue squad~~
5347 equipment or ambulances emergency medical services agency, or within ~~twenty~~ 20 feet from the

5348 intersection of curb lines or, if none, then within ~~fifteen~~ 15 feet of the intersection of property lines at
5349 any highway intersection.

5350 **§ 46.2-1900. Definitions.**

5351 Unless the context otherwise requires, the following words and terms for the purpose of this
5352 chapter shall have the following meanings:

5353 "Certificate of origin" means the document provided by the manufacturer of a new T&M vehicle,
5354 or its distributor, which is the only valid indication of ownership between the manufacturer, its
5355 distributor, its franchised T&M vehicle dealers, and the original purchaser not for resale.

5356 "Dealer-operator" means the individual who works at the established place of business of a
5357 dealer and who is responsible for and in charge of day-to-day operations of that place of business.

5358 "Distributor" means a person who sells or distributes new T&M vehicles pursuant to a written
5359 agreement with the manufacturer, to franchised T&M vehicle dealers in the Commonwealth.

5360 "Distributor branch" means a branch office maintained by a distributor for the sale of T&M
5361 vehicles to T&M vehicle dealers or for directing or supervising, in whole or in part, its representatives in
5362 the Commonwealth.

5363 "Distributor representative" means a person employed by a distributor or by a distributor branch,
5364 for the purpose of making or promoting the sale of T&M vehicles or for supervising or contacting its
5365 dealers, prospective dealers, or representatives in the Commonwealth.

5366 "Factory branch" means a branch office maintained by a person for the sale of T&M vehicles to
5367 distributors or for the sale of T&M vehicles to T&M vehicle dealers, or for directing or supervising, in
5368 whole or in part, its representatives in the Commonwealth.

5369 "Factory representative" means a person employed by a person who manufactures or assembles
5370 T&M vehicles, or by a factory branch for the purpose of making or promoting the sale of its T&M
5371 vehicles, or for supervising or contacting its dealers, prospective dealers, or representatives in the
5372 Commonwealth.

5373 "Factory repurchase T&M vehicle" means a T&M vehicle sold, leased, rented, consigned, or
5374 otherwise transferred to a person under an agreement that the T&M vehicle will be resold or otherwise

5375 retransferred only to the manufacturer or distributor of the T&M vehicle, and which is reacquired by the
5376 manufacturer or distributor, or its agents.

5377 "Family member" means a person who either (i) is the spouse, child, grandchild, spouse of a
5378 child, spouse of a grandchild, brother, sister, or parent of the dealer or owner, or (ii) has been employed
5379 continuously by the dealer for at least five years.

5380 "Franchise" means a written contract or agreement between two or more persons whereby one
5381 person, the franchisee, is granted the right to engage in the business of offering and selling, servicing, or
5382 offering, selling, and servicing new T&M vehicles of a particular line-make or late model or factory
5383 repurchase T&M vehicles of a particular line-make manufactured or distributed by the grantor of the
5384 right, the franchisor, and where the operation of the franchisee's business is substantially associated with
5385 the franchisor's trademark, trade name, advertising, or other commercial symbol designating the
5386 franchisor, the T&M vehicle or its manufacturer or distributor. The term shall include any severable part
5387 or parts of a franchise agreement which separately provides for selling and servicing different line-
5388 makes of the franchisor.

5389 "Franchised late model or factory repurchase T&M vehicle dealer" means a dealer in late model
5390 or factory repurchase T&M vehicles, including a franchised new T&M vehicle dealer, that has a
5391 franchise agreement with a manufacturer or distributor of the line-make of the late model or factory
5392 repurchase T&M vehicles.

5393 "Franchised T&M vehicle dealer" or "franchised dealer" means a dealer in new T&M vehicles
5394 that has a franchise agreement with a manufacturer or distributor of new T&M vehicles.

5395 "Independent T&M vehicle dealer" means a dealer in used T&M vehicles.

5396 "Late model T&M vehicle" means a T&M vehicle of the current model year and the immediately
5397 preceding model year.

5398 "Manufacturer" means a person engaged in the business of constructing or assembling new T&M
5399 vehicles or a person engaged in the business of manufacturing engines, power trains, or rear axles, when
5400 such engines, power trains, or rear axles are not warranted by the final manufacturer or assembler of the
5401 motor home.

5402 "Motor home" means a motor vehicle with a normal seating capacity of not more than ~~ten~~ 10
5403 persons, including the driver, designed primarily for use as living quarters for human beings.

5404 "Motor vehicle dealer," "motor vehicle manufacturer," "motor vehicle factory branch," "motor
5405 vehicle distributor," "motor vehicle distributor branch," "motor vehicle factory representative," and
5406 "motor vehicle distributor representative" mean the same as provided in § 46.2-1500.

5407 "New T&M vehicle" means any T&M vehicle ~~which~~ that (i) has not been previously sold except
5408 in good faith for the purpose of resale, (ii) has not been used as a rental, driver education, or
5409 demonstration T&M vehicle, or for the personal and business transportation of the manufacturer,
5410 distributor, dealer, or any of his employees, (iii) has not been used except for limited use necessary in
5411 moving or road testing the T&M vehicle prior to delivery to a customer, (iv) is transferred by a
5412 certificate of origin, and (v) has the manufacturer's certification that it conforms to all applicable federal
5413 T&M vehicle safety and emission standards. Notwithstanding provisions (i) and (iii), a T&M vehicle
5414 that has been previously sold but not titled shall be deemed a new T&M vehicle if it meets the
5415 requirements of provisions (ii), (iv), and (v) of this definition.

5416 "Original license" means a T&M vehicle dealer license issued to an applicant who has never
5417 been licensed as a T&M vehicle dealer in Virginia or whose Virginia T&M vehicle dealer license has
5418 been expired for more than thirty days.

5419 "Relevant market area" means as follows:

5420 1. In metropolitan localities with a population of 250,000, the relevant market area shall be a
5421 circular area around an existing franchised dealer not to exceed a radius of ten miles, but in no case less
5422 than seven miles.

5423 2. If the population in an area within a radius of ~~ten~~ 10 miles around an existing franchised dealer
5424 is less than 250,000, but the population in an area within a radius of ~~fifteen~~ 15 miles around an existing
5425 franchised dealer is 150,000 or more, the relevant market area shall be that area within the ~~fifteen-mile~~
5426 15-mile radius.

5427 3. In all other cases the relevant market area shall be an area within a radius of ~~twenty~~ 20 miles
5428 around an existing franchised dealer or the area of responsibility defined in the franchise, whichever is

5429 greater. In any case where the franchise agreement is silent as to area responsibility, the relevant market
5430 area shall be the greater of an area within a radius of ~~twenty~~ 20 miles around an existing franchised
5431 dealer or that area in which the franchisor otherwise requires the franchisee to make significant retail
5432 sales or sales efforts.

5433 In determining population for this definition, the most recent census by the U.S. Bureau of the
5434 Census or the most recent population update, either from the National Planning Data Corporation or
5435 other similar recognized source, shall be accumulated for all census tracts either wholly or partially
5436 within the relevant market area.

5437 "Retail installment sale" means every sale of one or more T&M vehicles to a buyer for his use
5438 and not for resale, in which the price of the T&M vehicle is payable in one or more installments and in
5439 which the seller has either retained title to the goods or has taken or retained a security interest in the
5440 goods under form of contract designated either as a security agreement, conditional sale, bailment lease,
5441 chattel mortgage, or otherwise.

5442 "Sale at retail" or "retail sale" means the act or attempted act of selling, bartering, exchanging, or
5443 otherwise disposing of a T&M vehicle to a buyer for his personal use and not for resale.

5444 "Sale at wholesale" or "wholesale" means a sale to T&M vehicle dealers or wholesalers other
5445 than to consumers, or a sale to one who intends to resell.

5446 "T&M vehicle" means motor homes and travel trailers as defined in this section.

5447 "T&M vehicle dealer" or "dealer" means any person who:

5448 1. For commission, money, or other thing of value, buys, sells, exchanges, either outright or on
5449 conditional sale, bailment lease, chattel mortgage, or otherwise or arranges or offers or attempts to
5450 solicit or negotiate on behalf of others a sale, purchase, or exchange of an interest in new T&M vehicles,
5451 new and used T&M vehicles, or used T&M vehicles alone, whether or not the T&M vehicles are owned
5452 by him;

5453 2. Is wholly or partly engaged in the business of selling new T&M vehicles, new and used T&M
5454 vehicles, or used T&M vehicles only, whether or not the T&M vehicles are owned by him; or

5455 3. Offers to sell, sells, displays, or permits the display for sale, of five or more T&M vehicles
5456 within any ~~twelve~~ 12 consecutive months.

5457 The term "T&M vehicle dealer" does not include:

5458 1. Receivers, trustees, administrators, executors, guardians, conservators or other persons
5459 appointed by or acting under judgment or order of any court or their employees when engaged in the
5460 specific performance of their duties as employees.

5461 2. Public officers, their deputies, assistants, or employees, while performing their official duties.

5462 3. Persons other than business entities primarily engaged in the leasing or renting of T&M
5463 vehicles to others when selling or offering such vehicles for sale at retail, disposing of T&M vehicles
5464 acquired for their own use and actually so used, when the T&M vehicles have been so acquired and used
5465 in good faith and not for the purpose of avoiding the provisions of this chapter.

5466 4. Persons dealing solely in the sale and distribution of ~~fire-fighting~~ firefighting equipment,
5467 ambulances emergency medical services vehicles, and funeral vehicles, including T&M vehicles
5468 adapted therefor; however, this exemption shall not exempt any person from the provisions of §§ 46.2-
5469 1919, 46.2-1920 and 46.2-1949.

5470 5. Any financial institution chartered or authorized to do business under the laws of the
5471 Commonwealth or the United States which may have received title to a T&M vehicle in the normal
5472 course of its business by reason of a foreclosure, other taking, repossession, or voluntary reconveyance
5473 to that institution occurring as a result of any loan secured by a lien on the T&M vehicle.

5474 6. An employee of an organization arranging for the purchase or lease by the organization of
5475 T&M vehicles for use in the organization's business.

5476 7. Any person licensed to sell real estate who sells a manufactured home or similar vehicle in
5477 conjunction with the sale of the parcel of land on which the manufactured home or similar vehicle is
5478 located.

5479 8. Any person who permits the operation of a T&M vehicle show or permits the display of T&M
5480 vehicles for sale by any T&M vehicle dealer licensed under this chapter.

5481 9. An insurance company authorized to do business in the Commonwealth that sells or disposes
5482 of T&M vehicles under a contract with its insured in the regular course of business.

5483 10. Any publication, broadcast, or other communications media when engaged in the business of
5484 advertising, but not otherwise arranging for the sale of T&M vehicles owned by others.

5485 11. Any person dealing solely in the sale or lease of T&M vehicles designed exclusively for off-
5486 road use.

5487 12. Any credit union authorized to do business in Virginia, provided the credit union does not
5488 receive a commission, money, or other thing of value directly from a T&M vehicle dealer.

5489 13. Any person licensed as a manufactured home dealer, broker, manufacturer, or salesperson
5490 under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36.

5491 "T&M vehicle salesperson" or "salesperson" means any person who is licensed as and employed
5492 as a salesperson by a T&M vehicle dealer to sell or exchange T&M vehicles.

5493 "T&M vehicle show" means a display of T&M vehicles to the general public at a location other
5494 than a dealer's location licensed under this chapter where the T&M vehicles are not being offered for
5495 sale or exchange during or as part of the display.

5496 "Travel trailer" means a vehicle designed to provide temporary living quarters of such size or
5497 weight as not to require special highway movement permits when towed by a motor vehicle and having
5498 a gross trailer area less than 320 square feet.

5499 "Used T&M vehicle" means any T&M vehicle other than a new T&M vehicle as defined in this
5500 section.

5501 "Wholesale auction" means an auction of T&M vehicles restricted to sales at wholesale.

5502 **§ 46.2-2000.1. Vehicles excluded from operation of chapter.**

5503 This chapter shall not be construed to include:

5504 1. Motor vehicles employed solely in transporting school children and teachers;

5505 2. Taxicabs, or other motor vehicles performing bona fide taxicab service, having a seating
5506 capacity of not more than six passengers, excluding the driver, while operating in a county, city, or town

5507 which has or adopts an ordinance regulating and controlling taxicabs and other vehicles performing a
5508 bona fide taxicab service, and not operating on a regular route or between fixed termini;

5509 3. Motor vehicles owned or operated by or on behalf of hotels while used exclusively for the
5510 transportation of hotel patronage between hotels and local railroad or other common carrier stations;

5511 4. Motor vehicles owned and operated by the United States, the District of Columbia, or any
5512 state, or any municipality or any other political subdivision of this Commonwealth, including passenger-
5513 carrying motor vehicles while being operated under an exclusive contract with the United States;

5514 5. Any motor vehicle designed with a seating capacity for and used to transport not more than
5515 ~~fifteen~~ 15 passengers, including the driver, if the driver and the passengers are engaged in a share-the-
5516 ride undertaking and if they share not more than the expenses of operation of the vehicle. Regular
5517 payments toward a capital recovery fund not exceeding the cost of the vehicle or used to pay for leasing
5518 the vehicle are to be considered eligible expenses of operation;

5519 6. Unless otherwise provided, motor vehicles while used exclusively in the transportation of
5520 passengers within the corporate limits of incorporated cities or towns, and motor vehicles used
5521 exclusively in the regular transportation of passengers within the boundaries of such cities or towns and
5522 adjacent counties where such vehicles are being operated by such county or pursuant to a contract with
5523 the board of supervisors of such county;

5524 7. Motor vehicles while operated under the exclusive regulatory control of a transportation
5525 district commission acting pursuant to Chapter 45 (§ 15.2-4500 et seq.) of Title 15.2;

5526 8. Motor vehicles used for the transportation of passengers by nonprofit, nonstock corporations
5527 funded solely by federal, state or local subsidies, the use of which motor vehicles are restricted as to
5528 regular and irregular routes to contracts with four or more counties and, at the commencement of the
5529 operation, no certificated carrier provides the same or similar services within such counties; and

5530 9. ~~Ambulances~~ Emergency medical services vehicles as defined in § 32.1-111.1.

5531 **§ 51.1-153. Service retirement.**

5532 A. Normal retirement. - Any member in service at his normal retirement date with five or more
5533 years of creditable service may retire at any time upon written notification to the Board setting forth the

5534 date the retirement is to become effective. Any member in service who was denied membership prior to
5535 July 1, 1987, as a result of being age 60 or over when first employed may retire at any time after his
5536 normal retirement date and the requirement of having five or more years of service shall not apply.

5537 B. Early retirement. - 1. Any member in service who has attained his fifty-fifth birthday with five
5538 or more years of creditable service may retire prior to his normal retirement date upon written
5539 notification to the Board setting forth the date the retirement is to become effective.

5540 However, a person who becomes a member on or after July 1, 2010, or a member who does not
5541 have at least 60 months of creditable service as of January 1, 2013, under this chapter shall be allowed to
5542 retire under this subdivision prior to his normal retirement date only if the person is in service and has
5543 attained his sixtieth birthday with five or more years of creditable service, and the benefit for such
5544 person shall be calculated in accordance with the provisions of subdivision A 3 of § 51.1-155.

5545 2. Subject to the provisions of subdivision 3, any state employee, teacher, or employee of a
5546 political subdivision who is a member of the retirement system may retire prior to his normal retirement
5547 date after attaining age 50 and 30 years of creditable service, upon written notification to the Board
5548 setting forth the date the retirement is to become effective. The benefit for such member shall be
5549 calculated in accordance with the provisions of subdivision A 1 of § 51.1-155.

5550 3. A person who becomes a member on or after July 1, 2010, or a member who does not have at
5551 least 60 months of creditable service as of January 1, 2013, as a state employee, teacher, or employee of
5552 a political subdivision may retire prior to his normal retirement date after the sum of his age and years of
5553 creditable service equals 90, upon written notification to the Board setting forth the date the retirement is
5554 to become effective. The benefit for such member shall be calculated in accordance with the provisions
5555 of subdivision A 1 of § 51.1-155.

5556 4. Notwithstanding the foregoing, a political subdivision by legally adopted resolution may
5557 declare to the Board that, for purposes of subdivisions B 1 and B 3 and subsection D, and subdivision A
5558 3 of § 51.1-155, any person who is an individual who meets the definition of "emergency medical
5559 services personnel" in §32.1-111.1 or who is employed as a firefighter, ~~emergency medical technician,~~
5560 or law-enforcement officer as those terms are defined in § 15.2-1512.2 (i) shall not be considered a

5561 person who becomes a member on or after July 1, 2010, and (ii) shall be deemed to have at least 60
5562 months of creditable service as of January 1, 2013. Such resolution shall be irrevocable.

5563 C. Deferred retirement for members terminating service. - Any member who terminates service
5564 after five or more years of creditable service, regardless of termination date, may retire under the
5565 provisions of subsection A, B, or D ~~of this section~~ if he has not withdrawn his accumulated contributions
5566 prior to the effective date of his retirement or if he has five or more years of creditable service for which
5567 his employer has paid the contributions and such contributions cannot be withdrawn. For the purposes of
5568 this subsection, any requirements as to the member being in service shall not apply.

5569 D. 50/10 retirement. - Any member in service on or after January 1, 1994, who has attained his
5570 fiftieth birthday with 10 or more years of creditable service may retire prior to his normal retirement
5571 date upon written notification to the Board setting forth the date the retirement is to become effective. A
5572 person who becomes a member on or after July 1, 2010, or a member who does not have at least 60
5573 months of creditable service as of January 1, 2013, shall not be allowed to retire pursuant to this
5574 subsection.

5575 E. Effective date of retirement. - The effective date of retirement shall be after the last day of
5576 service of the member, but shall not be more than 90 days prior to the filing of the notice of retirement.

5577 F. Notification on behalf of member. - If the member is physically or mentally unable to submit
5578 written notification of his intention to retire, the member's appointing authority may submit notification
5579 on his behalf.

5580 **§ 51.1-155. Service retirement allowance.**

5581 A. Retirement allowance. - A member shall receive an annual retirement allowance, payable for
5582 life, as follows:

5583 1. Normal retirement. - The allowance shall equal 1.70 percent of his average final compensation
5584 multiplied by the amount of his creditable service. Notwithstanding the foregoing, for a member who (i)
5585 is a person who becomes a member on or after July 1, 2010, or (ii) does not have at least 60 months of
5586 creditable service as of January 1, 2013, the allowance shall equal the sum of (a) 1.65 percent of his
5587 average final compensation multiplied by the amount of his creditable service performed or purchased

5588 on or after January 1, 2013, and (b) 1.70 percent of his average final compensation multiplied by the
5589 amount of all other creditable service.

5590 2. Early retirement; applicable to teachers, state employees, and certain others. - The allowance
5591 shall be determined in the same manner as for normal retirement with creditable service and average
5592 final compensation being determined as of the date of actual retirement. If the member has less than 30
5593 years of service at retirement, the amount of the retirement allowance shall be reduced on an actuarial
5594 equivalent basis for the period by which the actual retirement date precedes the earlier of (i) his normal
5595 retirement date or (ii) the first date on which he would have completed a total of 30 years of creditable
5596 service. The provisions of this subdivision shall apply to teachers and state employees. These provisions
5597 shall also apply to employees of any political subdivision that participates in the retirement system if the
5598 political subdivision makes the election provided in subdivision 3.

5599 3. Early retirement; applicable to employees of certain political subdivisions, any person who
5600 becomes a member on or after July 1, 2010, and any member who does not have at least 60 months of
5601 creditable service as of January 1, 2013. - The allowance shall be determined in the same manner as for
5602 normal retirement with creditable service and average final compensation being determined as of the
5603 date of actual retirement. If the creditable service of the member equals 30 or more years but the sum of
5604 his age at retirement plus his creditable service at retirement is less than 90, the amount of the retirement
5605 allowance shall be reduced on an actuarial equivalent basis for the period by which the actual retirement
5606 date precedes the earlier of (i) his normal retirement date or (ii) the first date on which the sum of his
5607 then attained age plus his then creditable service would have been equal to 90 or more had he remained
5608 in service until such date. If the member has less than 30 years of creditable service, the retirement
5609 allowance shall be reduced for the period by which the actual retirement date precedes the earlier of (i)
5610 his normal retirement date or (ii) the first date on which he would have completed a total of at least 30
5611 years of creditable service and his then creditable service plus his then attained age would have been
5612 equal to 90 or more.

5613 The provisions of this subdivision shall apply to the employees of any political subdivision that
5614 participates in the retirement system and any other employees as provided by law. The participating

5615 political subdivision may, however, elect to provide its employees with the early retirement allowance
5616 set forth in subdivision 2. No such election shall be made for a person who becomes a member on or
5617 after July 1, 2010, or a member who does not have at least 60 months of creditable service as of January
5618 1, 2013. Any election pursuant to this subdivision shall be set forth in a legally adopted resolution.

5619 Notwithstanding the foregoing, a political subdivision by legally adopted resolution may declare
5620 to the Board that, for purposes of this subdivision, subdivisions B 1 and B 3 and subsection D of § 51.1-
5621 153, any person who meets the definition of "emergency medical services personnel" in §32.1-111.1 or
5622 is employed as a firefighter, ~~emergency medical technician~~, or law-enforcement officer as those terms
5623 are defined in § 15.2-1512.2 (i) shall not be considered a person who becomes a member on or after July
5624 1, 2010, and (ii) shall be deemed to have at least 60 months of creditable service as of January 1, 2013.
5625 Such resolution shall be irrevocable.

5626 4. Additional allowance. - In addition to the allowance payable under subdivisions 1, 2, and 3, a
5627 member shall receive an additional allowance which shall be the actuarial equivalent, for his attained
5628 age at the time of retirement, of the excess of his accumulated contributions transferred from the
5629 abolished system to the retirement system, including interest credited at the rate of two percent
5630 compounded annually since the transfer to the date of retirement, over the annual amounts equal to four
5631 percent of his annual creditable compensation at the date of abolishment for a period equal to his period
5632 of membership in the abolished system.

5633 5. 50/10 retirement. - The allowance shall be payable in a monthly stream of payments equal to
5634 the greater of (i) the actuarial equivalent of the benefit the member would have received had he
5635 terminated service and deferred retirement to age 55 or (ii) the actuarially calculated present value of the
5636 member's accumulated contributions, including accrued interest.

5637 B. Beneficiary serving in position covered by this title.

5638 1. Except as provided in subdivisions 2 and 3, if a beneficiary of a service retirement allowance
5639 under this chapter or the provisions of Chapters 2 (§ 51.1-200 et seq.), 2.1 (§ 51.1-211 et seq.), or 3 (§
5640 51.1-300 et seq.) is at any time in service as an employee in a position covered for retirement purposes
5641 under the provisions of this or any chapter other than Chapter 6 (§ 51.1-600 et seq.), 6.1 (§ 51.1-607 et

5642 seq.), or 7 (§ 51.1-700 et seq.), his retirement allowance shall cease while so employed. Any member
5643 who retires and later returns to covered employment shall not be entitled to select a different retirement
5644 option for a subsequent retirement.

5645 2. Active members of the General Assembly who are eligible to receive a retirement allowance
5646 under this title, excluding their service as a member of the General Assembly, shall be eligible to receive
5647 a retirement allowance based on their creditable service and average final compensation for service other
5648 than as a member of the General Assembly. Such members of the General Assembly shall continue to be
5649 reported as any other members of the retirement system. Upon ceasing to serve in the General
5650 Assembly, members of the General Assembly receiving a retirement allowance based on their creditable
5651 service and average final compensation for service other than as a member of the General Assembly
5652 shall have their retirement allowance recomputed prospectively to include their service as a member of
5653 the General Assembly. Active members of the General Assembly shall be prohibited from receiving a
5654 service retirement allowance under this title based solely on their service as a member of the General
5655 Assembly.

5656 3. (Expires July 1, 2015) Any person receiving a service retirement allowance under this chapter,
5657 who is hired as a local school board instructional or administrative employee required to be licensed by
5658 the Board of Education, may elect to continue to receive the retirement allowance during such
5659 employment, under the following conditions:

5660 (a) The person has been receiving such retirement allowance for a certain period of time
5661 preceding his employment as provided by law;

5662 (b) The person is not receiving a retirement benefit pursuant to an early retirement incentive
5663 program from any local school division within the Commonwealth; and

5664 (c) At the time the person is employed, the position to which he is assigned is among those
5665 identified by the Superintendent of Public Instruction pursuant to subdivision 4 of § 22.1-23, by the
5666 relevant division superintendent, pursuant to § 22.1-70.3, or by the relevant local school board, pursuant
5667 to subdivision 9 of § 22.1-79.

5668 If the person elects to continue to receive the retirement allowance during the period of such
5669 employment, then his service performed and compensation received during such period of time will not
5670 increase, decrease, or affect in any way his retirement benefits before, during, or after such employment.

5671 **§ 51.1-169. Hybrid retirement program.**

5672 A. For purposes of this section, "hybrid retirement program" or "program" means a hybrid
5673 retirement program covering any employee in a position covered for retirement purposes under the
5674 provisions of Chapter 1 (§ 51.1-124.1 et seq.) for retirement purposes other than the Virginia Retirement
5675 System defined benefit retirement plan established under Chapter 1 (§ 51.1-124.1 et seq.). Persons who
5676 are participants in, or eligible to be participants in, the retirement plans under the provisions of Chapter
5677 2 (§ 51.1-200 et seq.), Chapter 2.1 (§ 51.1-211 et seq.), the optional retirement plans established under
5678 §§ 51.1-126.1, 51.1-126.3, 51.1-126.4, and 51.1-126.7, or a person eligible to earn the benefits permitted
5679 by § 51.1-138 shall not be eligible to participate in the hybrid retirement program. Any person who
5680 meets the definition of "emergency medical services personnel" in § 32.1-111.1 or is employed as a
5681 firefighter, ~~emergency medical technician~~, or law-enforcement officer as those terms are defined in §
5682 15.2-1512.2 and whose employing political subdivision has legally adopted an irrevocable resolution as
5683 described in subdivision B 4 of § 51.1-153 and subdivision A 3 of § 51.1-155 shall not be eligible to
5684 participate in the hybrid retirement program. No member of the Judicial Retirement System under
5685 Chapter 3 (§ 51.1-300 et seq.) shall be eligible to participate in the hybrid retirement program described
5686 in § 51.1-169 except members appointed to an original term on or after January 1, 2014.

5687 The Board shall maintain the hybrid retirement program established by this section, and any
5688 employer is authorized to make contributions under such program for the benefit of its employees
5689 participating in such program. Every person who is otherwise eligible to participate in the program but is
5690 not a member of a retirement plan administered by the Virginia Retirement System the first time he is
5691 hired on or after January 1, 2014, in a covered position, shall participate in the hybrid retirement
5692 program established by this section.

5693 A person who participates in the otherwise applicable defined benefit retirement plan established
5694 by this title and administered by the Virginia Retirement System under this chapter may make an

5695 irrevocable election to participate in the hybrid retirement program maintained under this section. Such
5696 election shall be exercised no later than April 30, 2014. If an election is not made by April 30, 2014,
5697 such employee shall be deemed to have elected not to participate in the hybrid retirement program and
5698 shall continue to participate in his current retirement plan.

5699 B. 1. The employer shall make contributions to the defined benefit component of the program in
5700 accordance with § 51.1-145.

5701 2. The employer shall make a mandatory contribution to the defined contribution component of
5702 the program on behalf of an employee participating in the program in the amount of one percent of
5703 creditable compensation. In addition, the employer shall make a matching contribution on behalf of the
5704 employee based on the employee's voluntary contributions under the defined contribution component of
5705 the program to the deferred compensation plan established under § 51.1-602, up to a maximum of 2.5
5706 percent of creditable compensation for the payroll period, as follows: (i) 100 percent of the first one
5707 percent of creditable compensation contributed by the employee to the defined contribution component
5708 of the program under subdivision C 2 for the payroll period, and (ii) 50 percent of the next three percent
5709 of creditable compensation contributed by the employee to the defined contribution component of the
5710 program under subdivision C 2 for the payroll period. The matching contribution by the employer shall
5711 be made to the appropriate cash match plan established for the employee under § 51.1-608.

5712 3. The total amount contributed by the employer under subdivision 2 shall vest to the employee's
5713 benefit according to the following schedule:

- 5714 a. Upon completion of two years of active participation, 50 percent.
- 5715 b. Upon completion of three years of active participation, 75 percent.
- 5716 c. Upon completion of four years of active participation, 100 percent.

5717 For purposes of this subdivision, "active participation" includes creditable service, as defined in
5718 § 51.1-124.3, in any retirement plan established by this title and administered by the Retirement System.

5719 If an employee terminates employment with an employer prior to achieving 100 percent vesting,
5720 contributions made by an employer on behalf of the employee under subdivision 2 that are not vested,

5721 shall be forfeited. The Board may establish a forfeiture account and may specify the uses of the
5722 forfeiture account.

5723 4. An employee may direct the investment of contributions made by an employer under
5724 subdivision B 2.

5725 5. No loans or hardship distributions shall be available from contributions made by an employer
5726 under subdivision B 2.

5727 C. 1. An employee participating in the hybrid retirement program maintained under this section
5728 shall, pursuant to procedures established by the Board, make mandatory contributions on a salary
5729 reduction basis in accordance with § 414(h) of the Internal Revenue Code (i) to the defined benefit
5730 component of the program in the amount of four percent of creditable compensation in lieu of the
5731 amount described in subsection A of § 51.1-144 and (ii) to the defined contribution component of the
5732 program in the amount of one percent of creditable compensation.

5733 2. An employee participating in the hybrid retirement program may also make voluntary
5734 contributions to the defined contribution component of the program of up to four percent of creditable
5735 compensation or the limit on elective deferrals pursuant to § 457(b) of the Internal Revenue Code,
5736 whichever is less. The contribution by the employee shall be made to the appropriate deferred
5737 compensation plan established by the employee under § 51.1-602.

5738 3. If an employee's voluntary contributions under subdivision C 2 are less than four percent of
5739 creditable compensation, the contribution will increase by one-half of one percent, beginning on January
5740 1, 2017, and every three years thereafter, until the employee's voluntary contributions under subdivision
5741 C 2 reach four percent of creditable compensation. The increase will be effective beginning with the first
5742 pay period that begins in such calendar year unless the employee elects not to increase the voluntary
5743 contribution in a manner prescribed by the Board.

5744 4. No loans or hardship distributions shall be available from contributions made by an employee
5745 under this subsection.

5746 D. 1. The amount of the service retirement allowance under the defined benefit component of the
5747 program shall be governed by § 51.1-155 for all creditable service credited prior to the effective date of

5748 the member's participation in the program. For all other creditable service, the allowance shall equal one
5749 percent of a member's average final compensation multiplied by the amount of his creditable service
5750 while in the program. For judges who are participating in the hybrid retirement program, creditable
5751 service shall be determined as provided in § 51.1-303 and service retirement eligibility shall be
5752 determined as provided in § 51.1-305.

5753 2. No member shall retire for disability under the defined benefit component of the program.

5754 3. Except as provided in subdivision 1, any employee participating in the hybrid retirement
5755 program maintained under this section shall be considered to be a person who becomes a member on or
5756 after July 1, 2010.

5757 4. In all other respects, administration of the defined benefit component of the program shall be
5758 governed by the provisions of Chapter 1 (§ 51.1-124.1 et seq.).

5759 E. With respect to any employee who elects, pursuant to subsection A, to participate in the
5760 otherwise applicable defined benefit retirement plan established by this title and administered by the
5761 Virginia Retirement System, the employer shall collect and pay all employee and employer
5762 contributions to the Virginia Retirement System for retirement and group life insurance in accordance
5763 with the provisions of Chapter 1 (§ 51.1-124.1 et seq.) for such employee.

5764 F. 1. The Board shall develop policies and procedures for administering the hybrid retirement
5765 program it maintains, including the establishment of guidelines for employee elections and deferrals
5766 under the program.

5767 2. No employee who is an active member in the hybrid retirement program maintained under this
5768 section shall also be an active member of any other optional retirement plan maintained under the
5769 provisions of Chapter 1 (§ 51.1-124.1 et seq.).

5770 3. If a member of the hybrid retirement program maintained under this section is at any time in
5771 service as an employee in a position covered for retirement purposes under the provisions of Chapter 1
5772 (§ 51.1-124.1 et seq.), 2 (§ 51.1-200 et seq.), 2.1 (§ 51.1-211 et seq.), or 3 (§ 51.1-300 et seq.), his
5773 benefit payments under the hybrid retirement program maintained under this section shall be suspended
5774 while so employed; provided, however, reemployment shall have no effect on a payment under the

5775 defined contribution component of the program if the benefit is being paid in an annuity form under an
5776 annuity contract purchased with the member's account balance.

5777 4. Any administrative fee imposed pursuant to subdivision A 13 of § 51.1-124.22 on any
5778 employer for administering and overseeing the hybrid retirement program maintained under this section
5779 shall be charged for each employee participating in such program and shall be for costs incurred by the
5780 Virginia Retirement System that are directly related to the administration and oversight of such program.
5781 Notwithstanding the foregoing, the Board is authorized to collect all or a portion of such fee directly
5782 from the employee.

5783 5. The creditable compensation for any employee on whose behalf employee or employer
5784 contributions are made into the hybrid retirement program shall not exceed the limit on compensation as
5785 adjusted by the Commissioner of the Internal Revenue Service pursuant to the transition provisions
5786 applicable to eligible participants under state and local governmental plans under § 401(a)(17) of the
5787 Internal Revenue Code as amended in 1993 and as contained in § 13212(d)(3) of the Omnibus Budget
5788 Reconciliation Act of 1993 (P.L. 103-66).

5789 6. The Board may contract with private corporations or institutions, subject to the standards set
5790 forth in § 51.1-124.30, to provide investment products as well as any other goods and services related to
5791 the administration of the hybrid retirement program. The Virginia Retirement System is hereby
5792 authorized to perform related services, including but not limited to, providing consolidated billing,
5793 individual and collective recordkeeping and accountings, and asset purchase, control, and safekeeping.

5794 **§ 51.1-1200. Fund established; administration and management; Volunteer Firefighters'**
5795 **and Rescue Squad Workers' Service Award Fund Board.**

5796 There is hereby created a fund to be known and designated as the "Volunteer Firefighters' and
5797 Rescue Squad Workers' Service Award Fund" (the Fund). The Fund is established to provide service
5798 awards to eligible volunteer firefighters and ~~rescue squad workers~~ volunteer emergency medical services
5799 personnel who elect to become members of the Fund. The Volunteer Firefighters' and Rescue Squad
5800 Workers' Service Award Fund Board (the Board) shall utilize the assistance of the Virginia Retirement
5801 System in establishing, investing, and maintaining the Fund. The Board of Trustees of the Virginia

5802 Retirement System shall administer and manage the investment of the Fund as custodian and provide
5803 staff to further carry out the provisions of this chapter. The Virginia Retirement System shall invest the
5804 Funds in accordance with Article 3.1 (§ 51.1-124.30 et seq.) of Chapter 1 ~~of this title~~. The Fund shall
5805 annually reimburse the Virginia Retirement System for all costs incurred and associated, directly and
5806 indirectly, with the administration of this chapter and management and investment of the Fund.

5807 **§ 51.1-1201. Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund**
5808 **Board.**

5809 A. The Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board is hereby
5810 created and is to be composed of 10 members. The Director of the Virginia Retirement System shall be a
5811 member and act as chairman. The Governor shall appoint three members of the Board from a list
5812 provided by the Virginia State ~~Firefighter's~~ Firefighters Association and three members from a list
5813 provided by the Virginia Association of Volunteer Rescue Squads. Such appointees shall be confirmed
5814 by the General Assembly and shall serve for six-year terms. No Board member appointed by the
5815 Governor shall serve more than two full consecutive terms. The Speaker of the House of Delegates shall
5816 appoint two members of the House of Delegates and the Senate Committee on Rules shall appoint one
5817 member of the Senate. Legislative members shall serve terms coincident with their terms of office.

5818 B. The Director of the Virginia Retirement System with the consent of the Board shall
5819 immediately declare the office of any nonlegislative member of the Board vacant when he finds that the
5820 member is unable to perform the duties of his office or for any reason does not meet the qualifications of
5821 this section. The Governor shall appoint a new member, subject to confirmation by the General
5822 Assembly, to serve for a full or unexpired term whenever the office of a nonlegislative member becomes
5823 or is declared vacant. In any case where a new appointment is made, the person receiving the
5824 appointment shall be a (i) volunteer firefighter representative if his predecessor was a volunteer
5825 firefighter representative or (ii) volunteer ~~rescue-squad-emergency medical services personnel~~
5826 representative if his predecessor was a volunteer ~~rescue-squad~~ emergency medical services personnel
5827 representative.

5828 C. The members of the Board shall serve without compensation; however, the nongovernmental
5829 members may be reimbursed for their reasonable expenses incurred in attending meetings of the Board
5830 or in acting in an official capacity for the Board.

5831 D. The first Board appointed shall meet as soon as practicable for the purpose of organizing and
5832 electing officers. Officers other than the chairman shall be elected for one-year terms. The Board shall
5833 adopt a general statement of policy and procedures. The Board shall meet at least quarterly and at such
5834 special meetings as the chairman may call. The chairman may call a special meeting at any time and
5835 shall call a special meeting when requested by three or more members of the Board. No meeting shall be
5836 deemed a regular or special meeting unless a quorum is present.

5837 E. Members of the Board shall be subject to removal from office only as set forth in Article 7 (§
5838 24.2-230 et seq.) of Chapter 2 of Title 24.2. The Circuit Court of the City of Richmond shall have
5839 exclusive jurisdiction over such removal proceedings.

5840 **§ 51.1-1203. Definitions.**

5841 For purposes of this chapter, unless the context requires a different meaning:

5842 "Creditable service" means service as an eligible volunteer plus any service credited pursuant to
5843 § 51.1-1207.

5844 "Eligible volunteer" means any volunteer ~~rescue squad member emergency medical services~~
5845 personnel or any volunteer firefighter who is a member of a bona fide volunteer ~~rescue or~~ emergency
5846 medical ~~squad services agency~~ or volunteer fire department and who is otherwise eligible pursuant to the
5847 criteria established by the Board.

5848 "Member" means an eligible volunteer.

5849 **§ 51.1-1204. Application for membership in Fund; quarterly payments by members;**
5850 **matching payments from the general fund; payments credited to separate accounts of members.**

5851 Eligible volunteers, and all persons who subsequently become eligible volunteers, may apply to
5852 the Board for membership in the Fund. Upon becoming a member of the Fund, each eligible volunteer
5853 shall pay an amount to be set by the Board per quarter into the Fund. Each quarterly payment made by a
5854 member shall be supplemented by such contribution from the general fund of the state treasury for a

5855 | period not to exceed ~~twenty~~ 20 years as shall be determined by the Board and as may be appropriated by
5856 | the general appropriation act. The quarterly payments shall be credited to the separate accounts of the
5857 | members, and the matching contributions shall be credited to the Fund. The member contribution or any
5858 | additional contribution to the Fund may be made by (i) the individual fire department or ~~rescue squad~~
5859 | emergency medical services agency, provided it is paid for all eligible members of the Fund within the
5860 | particular fire department or ~~rescue squad~~ emergency medical services agency; (ii) local government,
5861 | provided it is paid for all eligible members of the Fund who are volunteers for fire departments or ~~rescue~~
5862 | ~~squads~~ emergency medical services agencies within the jurisdiction of the local government; or (iii) any
5863 | other source provided it is paid for all eligible members of the Fund. Such accounts shall be kept so that
5864 | they are available for payment on withdrawal from membership or upon receipt of the service award. No
5865 | eligible volunteer shall maintain more than one membership in the Fund. In the event an eligible
5866 | volunteer is in more than one eligible position, he must choose the position upon which his membership
5867 | will be determined.

5868 | **§ 51.1-1206. Other distributions.**

5869 | The Board shall direct payment in lump sums from the Fund as follows:

5870 | 1. To any eligible volunteer firefighter or eligible volunteer ~~rescue squad worker who is an~~
5871 | individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1 upon
5872 | attaining age ~~sixty~~ 60 who has at least five but less than ~~ten~~ 10 years of creditable service as an eligible
5873 | volunteer, an amount equal to (i) the amount paid into the Fund by him plus (ii) the amount paid into the
5874 | Fund on his behalf by his fire department or ~~rescue squad~~ emergency medical services agency plus (iii)
5875 | the amount paid into the Fund on his behalf by his local government plus (iv) the amount paid into the
5876 | Fund on his behalf by any other source plus (v) a portion of the amount paid into the Fund, on his
5877 | behalf, from the general fund of the state treasury pursuant to § 51.1-1204 plus (vi) any investment gains
5878 | less any losses on the amounts paid into the Fund described under clauses (i) through (v). The portion of
5879 | the amount paid from the general fund on behalf of such person that shall be paid to such person shall be
5880 | based upon such person's years of creditable service as follows:

5881	Years of creditable	Portion of general fund contributions
5882	service	to be paid
5883	At least five but	
5884		

5885	less than six	Five percent of general fund contributions
5886	At least six but	
5887	less than seven	Ten percent of general fund contributions
5888	At least seven but	
5889	less than eight	Twenty-five percent of general fund contributions
5890	At least eight but	
5891	less than nine	Forty-five percent of general fund contributions
5892	At least nine but	
5893	less than ten	Seventy percent of general fund contributions

5894 In any case where the person shall be paid less than 100 percent of the general fund contributions
5895 made on his behalf, the investment gain or investment loss applicable to such contributions that shall be
5896 paid, or subtracted from any payment otherwise required, to such person shall equal the amount of the
5897 investment gain or investment loss, applicable to such contributions at the time of payment, multiplied
5898 by the percentage of such general fund contributions to be paid to the person as determined under this
5899 subdivision.

5900 2. If the eligible volunteer firefighter or volunteer ~~rescue squad member~~ who is an individual
5901 who meets the definition of "emergency medical services personnel" in § 32.1-111.1 ceases to serve as a
5902 volunteer and has less than five years of creditable service upon attaining age ~~sixty~~ 60, such person shall
5903 not be paid, nor have any right or interest in, the amount paid into the Fund on his behalf (i) by his fire
5904 department or ~~rescue squad~~ emergency medical services agency, (ii) from the general fund of the state
5905 treasury pursuant to § 51.1-1204, or (iii) by any local government. Such person shall, however, be paid
5906 all contributions to the Fund that he has made plus the applicable portion of any investment gains or
5907 losses thereon.

5908 The amount paid into the Fund on his behalf by his fire department or ~~rescue squad~~ emergency
5909 medical services agency shall remain in the Fund and shall be deemed additional contributions made by
5910 such fire department or ~~rescue squad~~ emergency medical services agency. The amount paid into the
5911 Fund on his behalf from the general fund of the state treasury shall remain in the Fund and shall be
5912 deemed additional contributions made from the general fund of the state treasury. The amount paid into
5913 the Fund on his behalf from a local government shall remain in the Fund and shall be deemed additional
5914 contributions from such local government.

5915 3. The provisions of this section shall not be construed to preclude any eligible volunteer
5916 firefighter or eligible volunteer ~~rescue squad worker~~ emergency medical services personnel from

5917 completing the requisite number of years of active service, after attaining the age of ~~sixty~~ 60, necessary
5918 to entitle him to the distribution provided for in § 51.1-1205.

5919 4. If an eligible volunteer firefighter or eligible volunteer ~~rescue squad worker~~ who is an
5920 individual who meets the definition of " emergency medical services personnel" in § 32.1-111.1 dies
5921 before a service award is otherwise paid to him under the provisions of this chapter and while he is an
5922 eligible volunteer, there shall be paid to his beneficiary an amount equal to the contributions he has
5923 made, the matching contributions made on his behalf, and any investment gains on such contributions
5924 less any losses. If an eligible volunteer firefighter or eligible volunteer ~~rescue squad worker~~ emergency
5925 medical services personnel dies before a service award is otherwise paid to him under the provisions of
5926 this chapter and while he is no longer an eligible volunteer, there shall be paid to his beneficiary an
5927 amount equal to the amount paid into the Fund by the volunteer and any investment gains on that
5928 amount, less any losses. For purposes of this section, a member's beneficiary is the person or persons the
5929 member may name on a form prepared by the Board, signed by the member and filed in a manner
5930 prescribed by the Board. If there are no such persons, then his beneficiary shall be his spouse; if there is
5931 no spouse, then his living children equally; if there are no children, then his heirs-at-law as may be
5932 determined by the Board; or if there are no heirs, then his estate, if it is administered.

5933 5. To any firefighter or ~~rescue squad worker~~ emergency medical services personnel withdrawing
5934 from the Fund, upon proper application, all moneys he contributed to the Fund less any investment
5935 losses, and an administrative fee of ~~twenty-five dollars~~ \$25.

5936 **§ 51.1-1207. Determination of prior creditable service; information furnished by applicants**
5937 **for membership.**

5938 Any member with eligible service prior to the effective date of membership may purchase up to
5939 ~~ten~~ 10 years of such service upon certification of his fire department or ~~rescue squad~~ emergency medical
5940 services agency. Such purchase shall be prorated at the rate of one year for every two years of eligible
5941 service. The cost of such service shall be an amount as established by the Board. Notwithstanding any
5942 other provisions of this chapter, the Board may grant qualified prior service credits to an eligible
5943 volunteer firefighter or eligible ~~rescue squad worker~~ volunteer emergency medical services personnel,

5944 under such terms and conditions that the Board may adopt, if the Board determines that such volunteer
5945 has been denied such prior service credit through no fault of his own.

5946 **§ 51.1-1208. Length of service not affected by serving in more than one department or**
5947 **agency; transfer from one department or agency to another.**

5948 ~~An~~The length of service of an eligible volunteer ~~firefighter's~~firefighter or eligible volunteer
5949 ~~rescue squad worker's length of service who is an individual who meets the definition of "emergency~~
5950 ~~services personnel" in §32.1-111.1~~ shall not be affected by the fact that he may have served with more
5951 than one department or ~~squad~~ agency, and upon transfer from one department or ~~squad~~ agency to
5952 another, notice of the fact shall be given to the Board.

5953 **§ 53.1-47. Purchases by agencies, localities, and certain nonprofit organizations.**

5954 Articles and services produced or manufactured by persons confined in state correctional
5955 facilities:

5956 1. Shall be purchased by all departments, institutions, and agencies of the Commonwealth ~~which~~
5957 ~~that~~ are supported in whole or in part with funds from the state treasury for their use or the use of
5958 persons whom they assist financially. Except as provided in § 53.1-48, no such articles or services shall
5959 be purchased by any department, institution, or agency of the Commonwealth from any other source;
5960 and

5961 2. May be purchased by any county, district of any county, city, or town and by any nonprofit
5962 organization, including volunteer ~~lifesaving or first aid crews, rescue squads~~ emergency medical
5963 services agencies, fire departments, sheltered workshops, and community service organizations.

5964 **§ 53.1-133.8. Purchases by agencies, localities, and certain nonprofit organizations.**

5965 Articles and services produced or manufactured by participants in jail industry programs:

5966 1. May be purchased by all departments, institutions, and agencies of the Commonwealth ~~which~~
5967 ~~that~~ are supported in whole or in part with funds from the state treasury for their use or the use of
5968 persons whom they assist financially, provided such purchase is not in conflict with the provisions of
5969 Article 3 (§ 53.1-41 et seq.) of Chapter 2 ~~of this title~~.

2. May be purchased by any county, district of any county, city, or town and by any nonprofit, volunteer ~~lifesaving or first aid crews, rescue squads~~ emergency medical services agencies, fire departments, sheltered workshops, and community service organizations.

§ 54.1-829. License required; bond; physical examination; emergency medical services vehicles; physician; and health insurance.

A. Unless exempted by § 54.1-830, no person shall promote or conduct a boxing, martial arts, or wrestling event in the Commonwealth without first having obtained a license for such event from the Department. No such license shall be granted except to a licensed promoter.

B. Unless exempted by § 54.1-830, no person shall act as a promoter, matchmaker, trainer, boxer or wrestler in the Commonwealth without first having obtained a license for such activity from the Department and such license remains in full force and effect.

C. No license to act as a promoter shall be granted unless the applicant executes and files with the Department a bond, in such penalty as the Department shall determine through regulation, conditioned on the payment of the fees and penalties imposed by this chapter and for the fulfillment of contracts made with boxers and wrestlers in accordance with Department regulations.

D. Each boxer shall, and each wrestler may, be examined prior to entering the ring by a physician who has been licensed to practice medicine in the Commonwealth for at least five years. The physician shall be appointed by the Department and shall certify in writing that the contestant's physical condition is such that he is physically able to engage in the contest.

E. No boxing event shall be conducted without the continuous presence at ringside of a physician who has been licensed to practice medicine in the Commonwealth for at least five years, and unless an ~~ambulance~~ emergency medical services vehicle is at the site of the boxing event.

F. No boxer shall participate in any event unless covered by a health insurance policy with minimum coverage in an amount determined by Department regulation.

§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-

5997 2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall
5998 only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic
5999 purposes within the course of his professional practice.

6000 B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral
6001 prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may
6002 cause drugs or devices to be administered by:

6003 1. A nurse, physician assistant, or intern under his direction and supervision;

6004 2. Persons trained to administer drugs and devices to patients in state-owned or state-operated
6005 hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the
6006 Department of Behavioral Health and Developmental Services who administer drugs under the control
6007 and supervision of the prescriber or a pharmacist;

6008 3. Emergency medical services personnel certified and authorized to administer drugs and
6009 devices pursuant to regulations of the Board of Health who act within the scope of such certification and
6010 pursuant to an oral or written order or standing protocol; or

6011 4. A licensed respiratory care practitioner as defined in § 54.1-2954 who administers by
6012 inhalation controlled substances used in inhalation or respiratory therapy.

6013 C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by
6014 state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may
6015 authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals
6016 used in the diagnosis or treatment of disease.

6017 D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the
6018 course of his professional practice, such prescriber may authorize registered nurses and licensed
6019 practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency
6020 medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous
6021 access lines.

6022 Pursuant to the regulations of the Board of Health, certain emergency medical services
6023 technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

6024 Pursuant to an order or standing protocol issued by the prescriber within the course of his
6025 professional practice, any school nurse, school board employee, employee of a local governing body, or
6026 employee of a local health department who is authorized by a prescriber and trained in the
6027 administration of epinephrine may possess and administer epinephrine.

6028 Pursuant to an order issued by the prescriber within the course of his professional practice, an
6029 employee of a provider licensed by the Department of Behavioral Health and Developmental Services or
6030 a person providing services pursuant to a contract with a provider licensed by the Department of
6031 Behavioral Health and Developmental Services may possess and administer epinephrine, provided such
6032 person is authorized and trained in the administration of epinephrine.

6033 E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the
6034 course of his professional practice, such prescriber may authorize licensed physical therapists to possess
6035 and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

6036 F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the
6037 course of his professional practice, such prescriber may authorize licensed athletic trainers to possess
6038 and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for
6039 use in emergency situations; and epinephrine for use in emergency cases of anaphylactic shock.

6040 G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the
6041 course of his professional practice, and in accordance with policies and guidelines established by the
6042 Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or
6043 licensed practical nurses under the immediate and direct supervision of a registered nurse to possess and
6044 administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department
6045 of Health's policies and guidelines shall be consistent with applicable guidelines developed by the
6046 Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis
6047 and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety
6048 and Health Administration and the Department of Labor and Industry to the extent that they are
6049 inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall
6050 explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall

6051 provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall
6052 ensure that the nurse implementing such standing protocols has received adequate training in the
6053 practice and principles underlying tuberculin screening.

6054 The Health Commissioner or his designee may authorize registered nurses, acting as agents of
6055 the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein
6056 derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and
6057 policies established by the Department of Health.

6058 H. Pursuant to a written order or standing protocol issued by the prescriber within the course of
6059 his professional practice, such prescriber may authorize, with the consent of the parents as defined in §
6060 22.1-1, an employee of a school board who is trained in the administration of insulin and glucagon to
6061 assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes
6062 and who requires insulin injections during the school day or for whom glucagon has been prescribed for
6063 the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed
6064 nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of
6065 the medication.

6066 Pursuant to a written order issued by the prescriber within the course of his professional practice,
6067 such prescriber may authorize an employee of a provider licensed by the Department of Behavioral
6068 Health and Developmental Services or a person providing services pursuant to a contract with a provider
6069 licensed by the Department of Behavioral Health and Developmental Services to assist with the
6070 administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who
6071 requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of
6072 hypoglycemia, provided such employee or person providing services has been trained in the
6073 administration of insulin and glucagon.

6074 I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the
6075 administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is
6076 not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses
6077 under the immediate and direct supervision of a registered nurse. A prescriber acting on behalf of and in

6078 accordance with established protocols of the Department of Health may authorize the administration of
6079 vaccines to any person by a pharmacist, nurse, ~~certified emergency medical technician intermediate,~~ or
6080 designated emergency medical-technician-paramedic services provider who holds an advanced life
6081 support certificate issued by the Commissioner of Health under the direction of an operational medical
6082 director when the prescriber is not physically present. Emergency medical services ~~personnel~~provider
6083 shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information
6084 System.

6085 J. A dentist may cause Schedule VI topical drugs to be administered under his direction and
6086 supervision by either a dental hygienist or by an authorized agent of the dentist.

6087 Further, pursuant to a written order and in accordance with a standing protocol issued by the
6088 dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his
6089 general supervision, as defined in § 54.1-2722, to possess and administer topical oral fluorides, topical
6090 oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket
6091 lesions, as well as any other Schedule VI topical drug approved by the Board of Dentistry.

6092 In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule
6093 VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI
6094 local anesthesia.

6095 K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the
6096 course of his professional practice, such prescriber may authorize registered professional nurses certified
6097 as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically
6098 present to possess and administer preventive medications for victims of sexual assault as recommended
6099 by the Centers for Disease Control and Prevention.

6100 L. This section shall not prevent the administration of drugs by a person who has satisfactorily
6101 completed a training program for this purpose approved by the Board of Nursing and who administers
6102 such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of
6103 administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to
6104 security and record keeping, when the drugs administered would be normally self-administered by (i) an

6105 individual receiving services in a program licensed by the Department of Behavioral Health and
6106 Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision
6107 Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the
6108 placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program
6109 participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of
6110 any facility authorized or operated by a state or local government whose primary purpose is not to
6111 provide health care services; (vi) a resident of a private children's residential facility, as defined in §
6112 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of
6113 Behavioral Health and Developmental Services; or (vii) a student in a school for students with
6114 disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

6115 In addition, this section shall not prevent a person who has successfully completed a training
6116 program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of
6117 Nursing and been evaluated by a registered nurse as having demonstrated competency in administration
6118 of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services
6119 from a program licensed by the Department of Behavioral Health and Developmental Services to such
6120 person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs
6121 via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

6122 M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et
6123 seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any
6124 assisted living facility licensed by the Department of Social Services. A registered medication aide shall
6125 administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to
6126 dosage, frequency, and manner of administration; in accordance with regulations promulgated by the
6127 Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living
6128 facility's Medication Management Plan; and in accordance with such other regulations governing their
6129 practice promulgated by the Board of Nursing.

6130 N. In addition, this section shall not prevent the administration of drugs by a person who
6131 administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency,

6132 and manner of administration and with written authorization of a parent, and in accordance with school
6133 board regulations relating to training, security and record keeping, when the drugs administered would
6134 be normally self-administered by a student of a Virginia public school. Training for such persons shall
6135 be accomplished through a program approved by the local school boards, in consultation with the local
6136 departments of health.

6137 O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child
6138 in a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or a
6139 local government pursuant to § 15.2-914, or (ii) a student at a private school that complies with the
6140 accreditation requirements set forth in § 22.1-19 and is accredited by the Virginia Council for Private
6141 Education, provided such person (a) has satisfactorily completed a training program for this purpose
6142 approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, doctor of
6143 medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or
6144 guardian; (c) administers drugs only to the child identified on the prescription label in accordance with
6145 the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d)
6146 administers only those drugs that were dispensed from a pharmacy and maintained in the original,
6147 labeled container that would normally be self-administered by the child or student, or administered by a
6148 parent or guardian to the child or student.

6149 P. In addition, this section shall not prevent the administration or dispensing of drugs and devices
6150 by persons if they are authorized by the State Health Commissioner in accordance with protocols
6151 established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has
6152 declared a disaster or a state of emergency or the United States Secretary of Health and Human Services
6153 has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public
6154 health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such
6155 persons have received the training necessary to safely administer or dispense the needed drugs or
6156 devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and
6157 supervision of the State Health Commissioner.

6158 Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by
6159 unlicensed individuals to a person in his private residence.

6160 R. This section shall not interfere with any prescriber issuing prescriptions in compliance with
6161 his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to
6162 subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid
6163 prescriptions.

6164 S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient
6165 care technicians who are certified by an organization approved by the Board of Health Professions or
6166 persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the
6167 ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin,
6168 topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers,
6169 for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs
6170 under the orders of a licensed physician, nurse practitioner, or physician assistant and under the
6171 immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be
6172 construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of
6173 and within the scope of the clinical skills instruction segment of a supervised dialysis technician training
6174 program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

6175 The dialysis care technician or dialysis patient care technician administering the medications
6176 shall have demonstrated competency as evidenced by holding current valid certification from an
6177 organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et
6178 seq.).

6179 T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be
6180 authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

6181 U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a
6182 prescriber may authorize the administration of controlled substances by personnel who have been
6183 properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not

6184 include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for
6185 such administration.

6186 V. A physician assistant, nurse or a dental hygienist may possess and administer topical fluoride
6187 varnish to the teeth of children aged six months to three years pursuant to an oral or written order or a
6188 standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry that conforms to
6189 standards adopted by the Department of Health.

6190 W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may
6191 authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse,
6192 licensed practical nurse under the direction and immediate supervision of a registered nurse, ~~certified~~
6193 ~~emergency medical technician intermediate,~~ or emergency medical ~~technician paramedic~~ services
6194 provider who holds an advanced life support certificate issued by the Commissioner of Health when the
6195 prescriber is not physically present.

6196 X. Notwithstanding the provisions of § 54.1-3303 and only for the purpose of participation in
6197 pilot programs conducted by the Department of Behavioral Health and Developmental Services, a
6198 person may obtain a prescription for a family member or a friend and may possess and administer
6199 naloxone for the purpose of counteracting the effects of opiate overdose.

6200 **§ 56-484.14. Powers and duties of E-911 Services Board.**

6201 The E-911 Services Board shall have the power and duty to:

6202 1. Make and enter into all contracts and agreements necessary or incidental to the performance of
6203 its duties and the execution of its powers, including purchase agreements payable from (i) the Wireless
6204 E-911 Fund and (ii) other moneys appropriated for the provision of enhanced 9-1-1 services.

6205 2. Pursue all legal remedies to enforce any provision of this article, or any contract entered into
6206 pursuant to this article.

6207 3. Develop a comprehensive, statewide enhanced 9-1-1 plan for wireless E-911, VoIP E-911, and
6208 any other future communications technologies accessing E-911 for emergency purposes. In constructing
6209 and periodically updating this plan as appropriate, the Board shall monitor trends and advances in
6210 enhanced wireless, VoIP, and other emergency telecommunications technologies, plan and forecast

6211 future needs for these enhanced technologies, and formulate strategies for the efficient and effective
6212 delivery of enhanced 9-1-1 services in the future with the exclusion of traditional circuit-switched
6213 wireline 9-1-1 service.

6214 4. Grant such extensions of time for compliance with the provisions of § 56-484.16 as the Board
6215 deems appropriate.

6216 5. Take all steps necessary to inform the public of the use of the digits "9-1-1" as the designated
6217 emergency telephone number and the use of the digits "#-7-7" as a designated non-emergency telephone
6218 number.

6219 6. Report annually to the Governor, the Senate Committee on Finance and the House Committee
6220 on Appropriations, and the Virginia State Crime Commission on (i) the state of enhanced 9-1-1 services
6221 in the Commonwealth, (ii) the impact of, or need for, legislation affecting enhanced 9-1-1 services in the
6222 Commonwealth, and (iii) the need for changes in the E-911 funding mechanism provided to the Board,
6223 as appropriate.

6224 7. Provide advisory technical assistance to PSAPs and state and local law enforcement, and fire
6225 and emergency medical ~~service~~ services agencies, upon request.

6226 8. Collect, distribute, and withhold moneys from the Wireless E-911 Fund as provided in this
6227 article.

6228 9. Develop a comprehensive single, statewide electronic addressing database to support
6229 geographic data and statewide base map data programs pursuant to § 2.2-2027.

6230 10. Receive such funds as may be appropriated for purposes consistent with this article and such
6231 gifts, donations, grants, bequests, or other funds as may be received from, applied for or offered by
6232 either public or private sources.

6233 11. Manage other moneys appropriated for the provision of enhanced emergency
6234 telecommunications services.

6235 12. Perform all acts necessary, convenient, or desirable to carrying out the purposes of this
6236 article.

6237 13. Drawing from the work of E-911 professional organizations, in its sole discretion, publish
6238 best practices for PSAPs. These best practices shall be voluntary and recommended by a subcommittee
6239 composed of PSAP representatives.

6240 14. Monitor developments in enhanced 9-1-1 service and multiline telephone systems and the
6241 impact of such technologies upon the implementation of Article 8 (§ 56-484.19 et seq.). The Board shall
6242 include its assessment of such impact in the annual report filed pursuant to subdivision 6.

6243 **§ 57-60. Exemptions.**

6244 A. The following persons shall be exempt from the registration requirements of § 57-49, but
6245 shall otherwise be subject to the provisions of this chapter:

6246 1. Educational institutions that are accredited by the Board of Education, by a regional
6247 accrediting association or by an organization affiliated with the National Commission on Accrediting,
6248 the Association Montessori Internationale, the American Montessori Society, the Virginia Independent
6249 Schools Association, or the Virginia Association of Independent Schools, any foundation having an
6250 established identity with any of the aforementioned educational institutions, and any other educational
6251 institution confining its solicitation of contributions to its student body, alumni, faculty and trustees, and
6252 their families.

6253 2. Persons requesting contributions for the relief of any individual specified by name at the time
6254 of the solicitation when all of the contributions collected without any deductions whatsoever are turned
6255 over to the named beneficiary for his use.

6256 3. Charitable organizations that do not intend to solicit and receive, during a calendar year, and
6257 have not actually raised or received, during any of the three next preceding calendar years, contributions
6258 from the public in excess of \$5,000, if all of their functions, including fund-raising activities, are carried
6259 on by persons who are unpaid for their services and if no part of their assets or income inures to the
6260 benefit of or is paid to any officer or member. Nevertheless, if the contributions raised from the public,
6261 whether all of such are or are not received by any charitable organization during any calendar year, shall
6262 be in excess of \$5,000, it shall, within 30 days after the date it has received total contributions in excess
6263 of \$5,000, register with and report to the Commissioner as required by this chapter.

6264 4. Organizations that solicit only within the membership of the organization by the members
6265 thereof.

6266 5. Organizations that have no office within the Commonwealth, that solicit in the
6267 Commonwealth from without the Commonwealth solely by means of telephone or telegraph, direct mail
6268 or advertising in national media, and that have a chapter, branch, or affiliate within the Commonwealth
6269 that has registered with the Commissioner.

6270 6. Organizations that have been granted tax-exempt status under § 501(c)(3) of the Internal
6271 Revenue Code and that are organized wholly as Area Health Education Centers in accordance with §
6272 32.1-122.7.

6273 7. Health care institutions defined herein as any facilities that have been granted tax-exempt
6274 status under § 501(c)(3) of the Internal Revenue Code, and that are (i) licensed by the Department of
6275 Health or the Department of Behavioral Health and Developmental Services; (ii) designated by the
6276 Health Care Financing Administration (HCFA) as federally qualified health centers; (iii) certified by the
6277 HCFA as rural health clinics; or (iv) wholly organized for the delivery of health care services without
6278 charge; and any supporting organization that exists solely to support any such health care institutions.
6279 For the purposes of clause (iv), "delivery of health care services without charge" includes the delivery of
6280 dental, medical or other health services where a reasonable minimum fee is charged to cover
6281 administrative costs.

6282 8. Civic organizations as defined herein.

6283 9. Agencies providing or offering to provide debt management plans for consumers that are
6284 licensed pursuant to Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2.

6285 10. Agencies designated by the Virginia Department for Aging and Rehabilitative Services
6286 pursuant to subdivision A 6 of § 51.5-135 as area agencies on aging.

6287 11. Labor unions, labor associations and labor organizations that have been granted tax-exempt
6288 status under § 501(c)(5) of the Internal Revenue Code.

6289 12. Trade associations that have been granted tax-exempt status under § 501(c)(6) of the Internal
6290 Revenue Code.

6291 13. Organizations that have been granted tax-exempt status under § 501(c)(3) of the Internal
6292 Revenue Code and that are organized wholly as regional emergency medical services councils in
6293 accordance with § ~~32.1-111.11~~ 32.1-111.4:2.

6294 14. Nonprofit organizations that have been granted tax-exempt status under § 501(c)(3) of the
6295 Internal Revenue Code and that solicit contributions only through (i) grant proposals submitted to for-
6296 profit corporations, (ii) grant proposals submitted to other nonprofit organizations that have been granted
6297 tax-exempt status under § 501(c)(3) of the Internal Revenue Code, or (iii) grant proposals submitted to
6298 organizations determined to be private foundations under § 509(a) of the Internal Revenue Code.

6299 B. A charitable organization shall be subject to the provisions of §§ 57-57 and 57-59, but shall
6300 otherwise be exempt from the provisions of this chapter for any year in which it confines its solicitations
6301 in the Commonwealth to five or fewer contiguous cities and counties, and in which it has registered
6302 under the charitable solicitations ordinance, if any, of each such city and county. No organization shall
6303 be exempt under this subsection if, during its next preceding fiscal year, more than 10 percent of its
6304 gross receipts were paid to any person or combination of persons, located outside the boundaries of such
6305 cities and counties, other than for the purchase of real property, or tangible personal property or personal
6306 services to be used within such localities. An organization that is otherwise qualified for exemption
6307 under this subsection that solicits by means of a local publication, or radio or television station, shall not
6308 be disqualified solely because the circulation or range of such medium extends beyond the boundaries of
6309 such cities or counties.

6310 C. No charitable or civic organization shall be exempt under this section unless it submits to the
6311 Commissioner, who in his discretion may extend such filing deadline prospectively or retrospectively
6312 for good cause shown, on forms to be prescribed by him, the name, address and purpose of the
6313 organization and a statement setting forth the reason for the claim for exemption. Parent organizations
6314 may file consolidated applications for exemptions for any chapters, branches, or affiliates that they
6315 believe to be exempt from the registration provisions of this chapter. If the organization is exempted, the
6316 Commissioner shall issue a letter of exemption, which may be exhibited to the public. A registration fee
6317 of \$10 shall be required of every organization requesting an exemption after June 30, 1984. The letter of

6318 exemption shall remain in effect as long as the organization continues to solicit in accordance with its
6319 claim for exemption.

6320 D. Nothing in this chapter shall be construed as being applicable to the American Red Cross or
6321 any of its local chapters.

6322 **§ 58.1-1404. Exemptions.**

6323 A. Any watercraft sold to or used by the United States or any of the governmental agencies
6324 thereof or the Commonwealth of Virginia or any political subdivision thereof or sold to an insurance
6325 company for the sole purpose of disposition when such insurance company has paid the registered
6326 owner of such watercraft on a total loss claim shall be exempt from the tax imposed by this chapter.

6327 B. Any person who was the owner of a watercraft that was not required to be titled prior to
6328 January 1, 1998, shall apply for a title for such watercraft without incurring liability for the tax imposed
6329 under this chapter.

6330 C. Any watercraft constructed by a commercial waterman for his own use shall be exempt from
6331 the tax imposed under this chapter.

6332 D. Any registered dealer in watercraft shall be exempt from the tax imposed by subdivisions 1
6333 and 2 of § 58.1-1402. Such dealer shall also be exempt from titling requirements as provided in § 29.1-
6334 733.6.

6335 E. Any watercraft purchased by and for the use of a ~~volunteer sea rescue squad~~, volunteer fire
6336 department, or volunteer ~~rescue squad~~ emergency medical services agency not conducted for profit shall
6337 be exempt from the tax imposed under this chapter.

6338 F. Any watercraft transferred to trustees of a revocable inter vivos trust, when the owners of the
6339 watercraft and the beneficiaries of the trust are the same persons, regardless of whether other
6340 beneficiaries may also be named in the trust instrument, or transferred by trustees of such a trust to
6341 beneficiaries of the trust following the death of the grantor, when no consideration has passed between
6342 the grantor and the beneficiaries in either case, shall be exempt from the tax imposed under this chapter.

6343 **§ 58.1-1505. Exemptions.**

6344 A. Any aircraft sold to or used by (i) the United States or any of the governmental agencies
6345 thereof, (ii) the Commonwealth of Virginia or any political subdivision thereof, (iii) any air carrier
6346 operating in intrastate, interstate or foreign commerce providing scheduled air service as defined in §
6347 58.1-1501, (iv) any nonprofit charitable organization ~~which that~~ is exempt from taxation under § 501(c)
6348 (3) of the Internal Revenue Code and ~~which that~~ is organized and operated exclusively for the purpose
6349 of providing charitable, long-distance, advanced life-support, air ~~ambulance transportation~~
6350 using an emergency medical services vehicle for low-income medical patients in the Commonwealth, or
6351 (v) an organization ~~which that~~ is exempt from taxation under § 501(c) (3) of the Internal Revenue Code
6352 and ~~which that~~ is organized for the primary purpose of distributing food, clothing, medicines and other
6353 necessities of life to, and providing shelter for, needy persons in the United States and throughout the
6354 world shall be exempt from the tax imposed by this chapter.

6355 B. Aircraft that are (i) considered Warbirds, manufactured and intended for military use,
6356 excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general
6357 public and otherwise used for educational purposes (including such flights as are necessary for testing,
6358 maintaining, or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations
6359 (including such flights necessary for testing, maintaining, or preparing such aircraft for safe operation),
6360 but not including any aircraft used for commercial purposes, including transportation and other services
6361 for a fee, shall be exempt from the tax imposed by this chapter.

6362 C. Beginning July 1, 2011, and ending December 31, 2014, any aircraft purchased or used by a
6363 qualified company shall be exempt from the tax imposed by this chapter. For purposes of this
6364 subsection, a qualified company shall be an aviation-related company, limited liability company,
6365 partnership, or a combination of such entities that have a common ownership interest through a parent,
6366 as a direct or indirect subsidiary of a parent, or as affiliated brother-sister entities that (i) is
6367 headquartered in the Commonwealth, (ii) between January 1, 2010, and December 31, 2014, makes a
6368 new capital investment of at least \$4 million in aviation-related real estate and real estate improvements
6369 in the Commonwealth on publicly-owned, public-use airports, (iii) between January 1, 2010, and
6370 December 31, 2014, creates in the Commonwealth at least 50 new jobs that pay at least one and a half

6371 times the prevailing average wage in the locality in which the jobs are located, (iv) owns or uses aircraft
6372 that are used primarily for intrastate, interstate, or foreign commerce, and (v) has entered into a
6373 memorandum of understanding with the Virginia Economic Development Partnership, after consultation
6374 with the Virginia Department of Aviation, on or before December 31, 2014, that at a minimum provides
6375 the details for determining the amount of capital investment made and the number of new jobs created,
6376 the timeline for achieving the capital investment and new job goals, the repayment obligations should
6377 those goals not be achieved, and any conditions under which repayment by the qualifying person
6378 claiming the exemption may be required.

6379 D. Any aircraft sold in the Commonwealth as evidenced by Federal Aviation Administration Bill
6380 of Sale AC Form 8050-2 and registered outside of the Commonwealth as evidenced by Federal Aviation
6381 Administration Aircraft Registration AC Form 8050-1 shall be exempt from the sales tax imposed by
6382 this chapter, so long as the aircraft is removed from the Commonwealth within 60 days of the date of
6383 purchase on the Bill of Sale. If the aircraft is removed from the Commonwealth within 60 days of the
6384 date of purchase, the time between the date of purchase and the removal of the aircraft shall not be
6385 counted for purposes of determining whether the aircraft is subject to the use tax imposed by this chapter
6386 on aircraft that are based in the Commonwealth for over 60 days in any ~~12-month~~ 12-month period.

6387 **§ 58.1-2226. Exemptions from tax.**

6388 No tax shall be levied or collected pursuant to this chapter on:

6389 1. Motor fuel sold and delivered to a governmental entity for the exclusive use by the
6390 governmental entity. This exemption shall not apply with respect to fuel sold or delivered to any person
6391 operating under contract with the governmental entity;

6392 2. Motor fuel sold and delivered to a nonprofit charitable organization ~~which that~~ is exempt from
6393 taxation under § 501(c)(3) of the Internal Revenue Code and which is organized and operated
6394 exclusively for the purpose of providing charitable, long-distance, advanced life-support, air-~~ambulance~~
6395 transportation services using emergency medical services vehicles for low-income medical patients in
6396 the Commonwealth, for the exclusive use of such organization in the operation of an aircraft;

6397 3. Bonded aviation jet fuel;

- 6398 4. Dyed diesel fuel, except as provided in subdivision A 1 of § 58.1-2225;
- 6399 5. Motor fuel removed, by transport truck or another means of transfer outside the terminal
- 6400 transfer system, from a terminal for export, if the supplier of the motor fuel collects tax on the fuel at the
- 6401 rate of the motor fuel's destination state; or
- 6402 6. Heating oil, as defined in § 58.1-2201.

6403 **§ 58.1-2235. Information required on return filed by supplier.**

6404 A. A return of a supplier shall list all of the following information and any other information

6405 required by the Commissioner:

- 6406 1. The number of gallons of tax-paid motor fuel received by the supplier during the month,
- 6407 sorted by type of fuel, seller, point of origin, destination state, and carrier;
- 6408 2. The number of gallons of motor fuel removed at a terminal rack during the month from the
- 6409 account of the supplier, sorted by type of fuel, person receiving the fuel, terminal code, and carrier;
- 6410 3. The number of gallons of motor fuel removed during the month for export, sorted by type of
- 6411 fuel, person receiving the fuel, terminal code, destination state, and carrier;
- 6412 4. The number of gallons of motor fuel removed during the month from a terminal located in
- 6413 another state for conveyance to Virginia, as indicated on the shipping document for the fuel, sorted by
- 6414 type of fuel, person receiving the fuel, terminal code, and carrier;
- 6415 5. The number of gallons of motor fuel the supplier sold during the month to the following,
- 6416 sorted by type of fuel, exempt entity, person receiving the fuel, terminal code, and carrier:
- 6417 a. A governmental entity whose use of fuel is exempt from the tax;
- 6418 b. A licensed aviation consumer purchasing aviation jet fuel;
- 6419 c. A licensed distributor or importer who resold the motor fuel to a governmental unit whose use
- 6420 of fuel is exempt from the tax, as indicated by the distributor or importer;
- 6421 d. A licensed distributor or importer who resold aviation jet fuel to a licensed aviation consumer
- 6422 as indicated by the distributor or importer;
- 6423 e. A licensed exporter who resold the motor fuel to a person whose use of the fuel is exempt
- 6424 from tax in the destination state, as indicated by the exporter;

6425 f. A nonprofit charitable organization which is exempt from taxation under § 501(c)(3) of the
6426 Internal Revenue Code and which is organized and operated exclusively for the purpose of providing
6427 charitable, long-distance, advanced life-support, air-~~ambulance transportation~~ services using emergency
6428 medical services vehicles for low-income medical patients in the Commonwealth, for the exclusive use
6429 of such organization in the operation of an aircraft; and

6430 g. A licensed distributor or importer who resold the motor fuel to a nonprofit charitable
6431 organization which is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and which
6432 is organized and operated exclusively for the purpose of providing charitable, long-distance, advanced
6433 life-support, air-~~ambulance transportation~~ services using emergency medical services vehicles for low-
6434 income medical patients in the Commonwealth, for the exclusive use of such organization in the
6435 operation of an aircraft; and

6436 6. The amount of discounts allowed under subsection C of § 58.1-2233 on motor fuel sold during
6437 the month to licensed distributors or licensed importers.

6438 B. Suppliers shall not require information identifying who purchased exempt fuel from persons
6439 licensed under this chapter.

6440 **§ 58.1-2250. Exemptions from tax.**

6441 No tax shall be levied or collected pursuant to this article on:

6442 1. Alternative fuel sold and delivered to a governmental entity for the exclusive use by the
6443 governmental entity. This exemption shall not apply with respect to alternative fuel sold or delivered to
6444 any person operating under contract with the governmental entity;

6445 2. Alternative fuel sold and delivered to a nonprofit charitable organization-~~which that~~ is exempt
6446 from taxation under § 501(c)(3) of the Internal Revenue Code and-~~which that~~ is organized and operated
6447 exclusively for the purpose of providing charitable, long-distance, advanced life-support, air-~~ambulance~~
6448 transportation services using emergency medical services vehicles for low-income medical patients in
6449 the Commonwealth, for the exclusive use of such organization in the operation of an aircraft; or

6450 3. Alternative fuel produced by the owner or lessee of an agricultural operation, as defined in §
6451 3.2-300, and used (i) exclusively for farm use by the owner or lessee or (ii) in any motor vehicles
6452 operated by the producer of such fuel.

6453 **§ 58.1-2259. Fuel uses eligible for refund of taxes paid for motor fuels.**

6454 A. A refund of the tax paid for the purchase of fuel in quantities of five gallons or more at any
6455 time shall be granted in accordance with the provisions of § 58.1-2261 to any person who establishes to
6456 the satisfaction of the Commissioner that such person has paid the tax levied pursuant to this chapter
6457 upon any fuel:

6458 1. Sold and delivered to a governmental entity for its exclusive use;

6459 2. Used by a governmental entity, provided persons operating under contract with a
6460 governmental entity shall not be eligible for such refund;

6461 3. Sold and delivered to an organization described in subdivision 2 of § 58.1-2226 or subdivision
6462 2 of § 58.1-2250 for its exclusive use in the operation of an aircraft;

6463 4. Used by an organization described in subdivision 2 of § 58.1-2226 or subdivision 2 of § 58.1-
6464 2250 for its exclusive use in the operation of an aircraft, provided persons operating under contract with
6465 such an organization shall not be eligible for such refund;

6466 5. Purchased by a licensed exporter and subsequently transported and delivered by such licensed
6467 exporter to another state for sales or use outside the boundaries of the Commonwealth if the tax
6468 applicable in the destination state has been paid, provided a refund shall not be granted pursuant to this
6469 section on any fuel which is transported and delivered outside of the Commonwealth in the fuel supply
6470 tank of a highway vehicle or an aircraft;

6471 6. Used by any person performing transportation under contract or lease with any transportation
6472 district for use in a highway vehicle controlled by a transportation district created under the
6473 Transportation District Act of 1964 (§ 15.2-4500 et seq.) and used in providing transit service by the
6474 transportation district by contract or lease, provided the refund shall be paid to the person performing
6475 such transportation;

6476 7. Used by any private, nonprofit agency on aging, designated by the Department for Aging and
6477 Rehabilitative Services, providing transportation services to citizens in highway vehicles owned,
6478 operated or under contract with such agency;

6479 8. Used in operating or propelling highway vehicles owned by a nonprofit organization that
6480 provides specialized transportation to various locations for elderly or disabled individuals to secure
6481 essential services and to participate in community life according to the individual's interest and abilities;

6482 9. Used in operating or propelling buses owned and operated by a county or the school board
6483 thereof while being used to transport children to and from public school or from school to and from
6484 educational or athletic activities;

6485 10. Used by buses owned or solely used by a private, nonprofit, nonreligious school while being
6486 used to transport children to and from such school or from such school to and from educational or
6487 athletic activities;

6488 11. Used by any county or city school board or any private, nonprofit, nonreligious school
6489 contracting with a private carrier to transport children to and from public schools or any private,
6490 nonprofit, nonreligious school, provided the tax shall be refunded to the private carrier performing such
6491 transportation;

6492 12. Used in operating or propelling the equipment of volunteer firefighting companies and of
6493 volunteer ~~rescue squads~~ emergency medical services agencies within the Commonwealth used actually
6494 and necessarily for firefighting and ~~rescue~~ emergency medical services purposes;

6495 13. Used in operating or propelling motor equipment belonging to counties, cities and towns, if
6496 actually used in public activities;

6497 14. Used for a purpose other than in operating or propelling highway vehicles, watercraft or
6498 aircraft;

6499 15. Used off-highway in self-propelled equipment manufactured for a specific off-road purpose,
6500 which is used on a job site and the movement of which on any highway is incidental to the purpose for
6501 which it was designed and manufactured;

6502 16. Proven to be lost by accident, including the accidental mixing of (i) dyed diesel fuel with tax-
6503 paid motor fuel, (ii) gasoline with diesel fuel, or (iii) undyed diesel fuel with dyed kerosene, but
6504 excluding fuel lost through personal negligence or theft;

6505 17. Used in operating or propelling vehicles used solely for racing other vehicles on a racetrack;

6506 18. Used in operating or propelling unlicensed highway vehicles and other unlicensed equipment
6507 used exclusively for agricultural or horticultural purposes on lands owned or leased by the owner or
6508 lessee of such vehicles and not operated on or over any highway for any purpose other than to move it in
6509 the manner and for the purpose mentioned. The amount of refund shall be equal to the amount of the
6510 taxes paid less one-half cent per gallon on such fuel so used which shall be paid by the Commissioner
6511 into the state treasury to the credit of the Virginia Agricultural Foundation Fund;

6512 19. Used in operating or propelling commercial watercraft. The amount of refund shall be equal
6513 to the amount of the taxes paid less one and one-half cents per gallon on such fuel so used which shall
6514 be paid by the Commissioner into the state treasury to be credited as provided in subsection D of § 58.1-
6515 2289. If any applicant so requests, the Commissioner shall pay into the state treasury, to the credit of the
6516 Game Protection Fund, the entire tax paid by such applicant for the purposes specified in subsection D
6517 of § 58.1-2289. If any applicant who is an operator of commercial watercraft so requests, the
6518 Commissioner shall pay into the state treasury, to the credit of the Marine Fishing Improvement Fund,
6519 the entire tax paid by such applicant for the purposes specified in § 28.2-208;

6520 20. Used in operating stationary engines, or pumping or mixing equipment on a highway vehicle
6521 if the fuel used to operate such equipment is stored in an auxiliary tank separate from the fuel tank used
6522 to propel the highway vehicle, and the highway vehicle is mechanically incapable of self-propulsion
6523 while fuel is being used from the auxiliary tank; or

6524 21. Used in operating or propelling recreational and pleasure watercraft.

6525 B. 1. Any person purchasing fuel for consumption in a solid waste compacting or ready-mix
6526 concrete highway vehicle, or a bulk feed delivery truck, where the vehicle's equipment is mechanically
6527 or hydraulically driven by an internal combustion engine that propels the vehicle, is entitled to a refund
6528 in an amount equal to 35 percent of the tax paid on such fuel. For purposes of this section, a "bulk feed

6529 delivery truck" means bulk animal feed delivery trucks utilizing power take-off (PTO) driven auger or
6530 air feed discharge systems for off-road deliveries of animal feed.

6531 2. Any person purchasing fuel for consumption in a vehicle designed or permanently adapted
6532 solely and exclusively for bulk spreading or spraying of agricultural liming materials, chemicals, or
6533 fertilizer, where the vehicle's equipment is mechanically or hydraulically driven by an internal
6534 combustion engine that propels the vehicle, is entitled to a refund in an amount equal to 55 percent of
6535 the tax paid on such fuel.

6536 C. Any person purchasing any fuel on which tax imposed pursuant to this chapter has been paid
6537 may apply for a refund of the tax if such fuel was consumed by a highway vehicle used in operating an
6538 urban or suburban bus line or a taxicab service. This refund also applies to a common carrier of
6539 passengers which has been issued a certificate pursuant to § 46.2-2075 or 46.2-2099.4 providing regular
6540 route service over the highways of the Commonwealth. No refund shall be granted unless the majority
6541 of the passengers using such bus line, taxicab service or common carrier of passengers do so for travel
6542 of a distance of not more than 40 miles, one way, in a single day between their place of abode and their
6543 place of employment, shopping areas or schools.

6544 If the applicant for a refund is a taxicab service, he shall hold a valid permit from the Department
6545 to engage in the business of a taxicab service. No applicant shall be denied a refund by reason of the fee
6546 arrangement between the holder of the permit and the driver or drivers, if all other conditions of this
6547 section have been met.

6548 Under no circumstances shall a refund be granted more than once for the same fuel. The amount
6549 of refund under this subsection shall be equal to the amount of the taxes paid, except refunds granted on
6550 the tax paid on fuel used by a taxicab service shall be in an amount equal to the tax paid less \$0.01 per
6551 gallon on the fuel used.

6552 Any refunds made under this subsection shall be deducted from the urban highway funds
6553 allocated to the highway construction district, pursuant to Article 5 (§ 33.2-351 et seq.) of Chapter 3 of
6554 Title 33.2, in which the recipient has its principal place of business.

6555 Except as otherwise provided in this chapter, all provisions of law applicable to the refund of
6556 fuel taxes by the Commissioner generally shall apply to the refunds authorized by this subsection. Any
6557 county having withdrawn its roads from the secondary system of state highways under provisions of §
6558 11 Chapter 415 of the Acts of 1932 shall receive its proportionate share of such special funds as is now
6559 provided by law with respect to other fuel tax receipts.

6560 D. Any person purchasing fuel for consumption in a vehicle designed or permanently adapted
6561 solely and exclusively for bulk spreading or spraying of agricultural liming materials, chemicals, or
6562 fertilizer, where the vehicle's equipment is mechanically or hydraulically driven by an internal
6563 combustion engine that propels the vehicle, is entitled to a refund in an amount equal to 55 percent of
6564 the tax paid on such fuel.

6565 E. Any person purchasing diesel fuel used in operating or propelling a passenger car, a pickup or
6566 panel truck, or a truck having a gross vehicle weight rating of 10,000 pounds or less is entitled to a
6567 refund of a portion of the taxes paid in an amount equal to the difference between the rate of tax on
6568 diesel fuel and the rate of tax on gasoline and gasohol pursuant to § 58.1-2217. For purposes of this
6569 subsection, "passenger car," "pickup or panel truck," and "truck" shall have the meaning given in § 46.2-
6570 100. Notwithstanding any other provision of law, diesel fuel used in a vehicle upon which the fuels tax
6571 has been refunded pursuant to this subsection shall be exempt from the tax imposed under Chapter 6 (§
6572 58.1-600 et seq.).

6573 F. Refunds resulting from any fuel shipments diverted from Virginia shall be based on the
6574 amount of tax paid for the fuel less discounts allowed by § 58.1-2233.

6575 G. Any person who is required to be licensed under this chapter and is applying for a refund shall
6576 not be eligible for such refund if the applicant was not licensed at the time the refundable transaction
6577 was conducted.

6578 **§ 58.1-2403. Exemptions.**

6579 No tax shall be imposed as provided in § 58.1-2402 if the vehicle is:

- 6580 1. Sold to or used by the United States government or any governmental agency thereof;
6581 2. Sold to or used by the Commonwealth of Virginia or any political subdivision thereof;

- 6582 3. Registered in the name of a volunteer fire department or ~~rescue squad~~ volunteer emergency
6583 medical services agency not operated for profit;
- 6584 4. Registered to any member of the Mattaponi, Pamunkey, or Chickahominy Indian tribes or any
6585 other recognized Indian tribe of the Commonwealth living on the tribal reservation;
- 6586 5. Transferred incidental to repossession under a recorded lien and ownership is transferred to
6587 the lienholder;
- 6588 6. A manufactured home permanently attached to real estate and included in the sale of real
6589 estate;
- 6590 7. A gift to the spouse, son, or daughter of the transferor. With the exception of a gift to a spouse,
6591 this exemption shall not apply to any unpaid obligation assumed by the transferee incidental to the
6592 transfer;
- 6593 8. Transferred from an individual or partnership to a corporation or limited liability company or
6594 from a corporation or limited liability company to an individual or partnership if the transfer is
6595 incidental to the formation, organization or dissolution of a corporation or limited liability company in
6596 which the individual or partnership holds the majority interest;
- 6597 9. Transferred from a wholly owned subsidiary to the parent corporation or from the parent
6598 corporation to a wholly owned subsidiary;
- 6599 10. Being registered for the first time in the Commonwealth and the applicant holds a valid,
6600 assignable title or registration issued to him by another state or a branch of the United States Armed
6601 Forces and (i) has owned the vehicle for longer than 12 months or (ii) has owned the vehicle for less
6602 than 12 months and provides evidence of a sales tax paid to another state. However, when a vehicle has
6603 been purchased by the applicant within the last 12 months and the applicant is unable to provide
6604 evidence of a sales tax paid to another state, the applicant shall pay the Virginia sales tax based on the
6605 fair market value of the vehicle at the time of registration in Virginia;
- 6606 11. a. Titled in a Virginia or non-Virginia motor vehicle dealer's name for resale; or
6607 b. Titled in the name of an automotive manufacturer having its headquarters in Virginia, except
6608 for any commercially leased vehicle that is not described under subdivision 3 of § 46.2-602.2. For

6609 purposes of this subdivision, "automotive manufacturer" and "headquarters" means the same as such
6610 terms are defined in § 46.2-602.2;

6611 12. A motor vehicle having seats for more than seven passengers and sold to an urban or
6612 suburban bus line the majority of whose passengers use the buses for traveling a distance of less than 40
6613 miles, one way, on the same day;

6614 13. Purchased in the Commonwealth by a nonresident and a Virginia title is issued for the sole
6615 purpose of recording a lien against the vehicle if the vehicle will be registered in a state other than
6616 Virginia;

6617 14. A motor vehicle designed for the transportation of 10 or more passengers, purchased by and
6618 for the use of a church conducted not for profit;

6619 15. Loaned or leased to a private nonprofit institution of learning, for the sole purpose of use in
6620 the instruction of driver's education when such education is a part of such school's curriculum for full-
6621 time students;

6622 16. Sold to an insurance company or local government group self-insurance pool, created
6623 pursuant to § 15.2-2703, for the sole purpose of disposition when such company or pool has paid the
6624 registered owner of such vehicle a total loss claim;

6625 17. Owned and used for personal or official purposes by accredited consular or diplomatic
6626 officers of foreign governments, their employees or agents, and members of their families, if such
6627 persons are nationals of the state by which they are appointed and are not citizens of the United States;

6628 18. A self-contained mobile computerized axial tomography scanner sold to, rented or used by a
6629 nonprofit hospital or a cooperative hospital service organization as described in § 501(e) of the United
6630 States Internal Revenue Code;

6631 19. A motor vehicle having seats for more than seven passengers and sold to a restricted
6632 common carrier or common carrier of passengers;

6633 20. Beginning July 1, 1989, a self-contained mobile unit designed exclusively for human
6634 diagnostic or therapeutic service, sold to, rented to, or used by a nonprofit hospital, or a cooperative
6635 hospital service organization as described in § 501(e) of the United States Internal Revenue Code, or a

6636 nonprofit corporation as defined in § 501(c)(3) of the Internal Revenue Code, established for research in,
6637 diagnosis of, or therapy for human ailments;

6638 21. Transferred, as a gift or through a sale to an organization exempt from taxation under §
6639 501(c)(3) of the Internal Revenue Code, provided the motor vehicle is not titled and tagged for use by
6640 such organization;

6641 22. A motor vehicle sold to an organization which is exempt from taxation under § 501(c)(3) of
6642 the Internal Revenue Code and which is organized for the primary purpose of distributing food, clothing,
6643 medicines, and other necessities of life to, and providing shelter for, needy persons in the United States
6644 and throughout the world;

6645 23. Transferred to the trustees of a revocable inter vivos trust, when the individual titleholder of a
6646 Virginia titled motor vehicle and the beneficiaries of the trust are the same persons, regardless of
6647 whether other beneficiaries of the trust may also be named in the trust instrument, when no
6648 consideration has passed between the titleholder and the beneficiaries; and transferred to the original
6649 titleholder from the trustees holding title to the motor vehicle;

6650 24. Transferred to trustees of a revocable inter vivos trust, when the owners of the vehicle and
6651 the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be
6652 named in the trust instrument, or transferred by trustees of such a trust to beneficiaries of the trust
6653 following the death of the grantor, when no consideration has passed between the grantor and the
6654 beneficiaries in either case;

6655 25. Sold by a vehicle's lessor to its lessee upon the expiration of the term of the vehicle's lease, if
6656 the lessee is a natural person and this natural person has paid the tax levied pursuant to this chapter with
6657 respect to the vehicle when he leased it from the lessor, and if the lessee presents an original copy of the
6658 lease upon request of the Department of Motor Vehicles or other evidence that the sales tax has been
6659 paid to the Commonwealth by the lessee purchasing the vehicle;

6660 26. Titled in the name of a deceased person and transferred to the spouse or heir, or under the
6661 will, of such deceased person;

6662 27. An all-terrain vehicle, moped, or off-road motorcycle all as defined in § 46.2-100. Such all-
6663 terrain vehicles, mopeds, or off-road motorcycles shall not be deemed a motor vehicle or other vehicle
6664 subject to the tax imposed under this chapter; or

6665 28. A motor vehicle that is sold to an organization that is exempt from taxation under § 501(c)(3)
6666 of the Internal Revenue Code and that is primarily used by the organization to transport to markets for
6667 sale produce that is (i) produced by local farmers and (ii) sold by such farmers to the organization.

6668 **§ 58.1-3506. Other classifications of tangible personal property for taxation.**

6669 A. The items of property set forth below are each declared to be a separate class of property and
6670 shall constitute a classification for local taxation separate from other classifications of tangible personal
6671 property provided in this chapter:

6672 1. a. Boats or watercraft weighing five tons or more, not used solely for business purposes;

6673 b. Boats or watercraft weighing less than five tons, not used solely for business purposes;

6674 2. Aircraft having a maximum passenger seating capacity of no more than 50 that are owned and
6675 operated by scheduled air carriers operating under certificates of public convenience and necessity
6676 issued by the State Corporation Commission or the Civil Aeronautics Board;

6677 3. Aircraft having a registered empty gross weight equal to or greater than 20,000 pounds that are
6678 not owned or operated by scheduled air carriers recognized under federal law, but not including any
6679 aircraft described in subdivision 4;

6680 4. Aircraft that are (i) considered Warbirds, manufactured and intended for military use,
6681 excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general
6682 public and otherwise used for educational purposes (including such flights as are necessary for testing,
6683 maintaining, or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations
6684 (including such flights necessary for testing, maintaining, or preparing such aircraft for safe operation),
6685 shall constitute a new class of property. Such class of property shall not include any aircraft used for
6686 commercial purposes, including transportation and other services for a fee;

6687 5. All other aircraft not included in subdivisions A 2, A 3, or A 4 and flight simulators;

- 6688 6. Antique motor vehicles as defined in § 46.2-100 which may be used for general transportation
6689 purposes as provided in subsection C of § 46.2-730;
- 6690 7. Tangible personal property used in a research and development business;
- 6691 8. Heavy construction machinery not used for business purposes, including but not limited to
6692 land movers, bulldozers, front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest
6693 harvesting and silvicultural activity equipment and ditch and other types of diggers;
- 6694 9. Generating equipment purchased after December 31, 1974, for the purpose of changing the
6695 energy source of a manufacturing plant from oil or natural gas to coal, wood, wood bark, wood residue,
6696 or any other alternative energy source for use in manufacturing and any cogeneration equipment
6697 purchased to achieve more efficient use of any energy source. Such generating equipment and
6698 cogeneration equipment shall include, without limitation, such equipment purchased by firms engaged in
6699 the business of generating electricity or steam, or both;
- 6700 10. Vehicles without motive power, used or designed to be used as manufactured homes as
6701 defined in § 36-85.3;
- 6702 11. Computer hardware used by businesses primarily engaged in providing data processing
6703 services to other nonrelated or nonaffiliated businesses;
- 6704 12. Privately owned pleasure boats and watercraft, 18 feet and over, used for recreational
6705 purposes only;
- 6706 13. Privately owned vans with a seating capacity of not less than seven nor more than 15
6707 persons, including the driver, used exclusively pursuant to a ridesharing arrangement as defined in §
6708 46.2-1400;
- 6709 14. Motor vehicles specially equipped to provide transportation for physically handicapped
6710 individuals;
- 6711 15. Motor vehicles (i) owned by ~~members of a~~ volunteer ~~rescue squad~~ emergency medical
6712 services personnel or a member of a volunteer fire department or (ii) leased by ~~members of a~~ volunteer
6713 rescue squad emergency medical services personnel or a member of a volunteer fire department if the
6714 member volunteer is obligated by the terms of the lease to pay tangible personal property tax on the

6715 motor vehicle. One motor vehicle that is owned by each volunteer ~~rescue squad member~~ who is an
6716 individual who meets the definition of "emergency medical services personnel" in §32.1-111.1 or
6717 volunteer fire department member, or leased by each volunteer ~~rescue squad member~~ who is an
6718 individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or
6719 volunteer fire department member if the ~~member~~ volunteer is obligated by the terms of the lease to pay
6720 tangible personal property tax on the motor vehicle, may be specially classified under this section,
6721 provided the volunteer ~~rescue squad member~~ or volunteer fire department member regularly responds to
6722 emergency calls. The volunteer shall furnish the commissioner of revenue, or other assessing officer,
6723 with a certification by the chief ~~or head~~ of the volunteer ~~organization~~ emergency medical services
6724 agency or volunteer fire department, that the volunteer is an individual who meets the definition of
6725 "emergency medical services personnel" in §32.1-111.1 or a member of the volunteer ~~rescue squad~~ or
6726 fire department who regularly responds to calls or regularly performs other duties for the ~~rescue squad~~
6727 emergency medical services agency or fire department, and the motor vehicle owned or leased by the
6728 volunteer ~~rescue squad member or volunteer fire department member~~ is identified. The certification shall
6729 be submitted by January 31 of each year to the commissioner of revenue or other assessing officer;
6730 however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion,
6731 and for good cause shown and without fault on the part of the ~~member~~ volunteer, to accept a
6732 certification after the January 31 deadline. In any county that prorates the assessment of tangible
6733 personal property pursuant to § 58.1-3516, a replacement vehicle may be certified and classified
6734 pursuant to this subsection when the vehicle certified as of the immediately prior January date is
6735 transferred during the tax year;

6736 16. Motor vehicles (i) owned by auxiliary members of a volunteer ~~rescue squad~~ emergency
6737 medical services agency or volunteer fire department or (ii) leased by auxiliary members of a volunteer
6738 ~~rescue squad~~ emergency medical services agency or volunteer fire department if the auxiliary member is
6739 obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor
6740 vehicle that is regularly used by each auxiliary volunteer fire department or ~~rescue squad~~ emergency
6741 medical services agency member may be specially classified under this section. The auxiliary member

6742 shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief-~~or~~
6743 ~~head~~ of the volunteer-~~organization~~ emergency medical services agency or volunteer fire department, that
6744 the volunteer is an auxiliary member of the volunteer-~~rescue-squad~~ emergency medical services agency
6745 or fire department who regularly performs duties for the-~~rescue-squad~~ emergency medical services
6746 agency or fire department, and the motor vehicle is identified as regularly used for such purpose;
6747 however, if a volunteer-~~rescue-squad~~ meets the definition of "emergency medical services personnel" in
6748 § 32.1-111.1 or volunteer fire department member and an auxiliary member are members of the same
6749 household, that household shall be allowed no more than two special classifications under this
6750 subdivision or subdivision 15. The certification shall be submitted by January 31 of each year to the
6751 commissioner of revenue or other assessing officer; however, the commissioner of revenue or other
6752 assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on
6753 the part of the auxiliary member, to accept a certification after the January 31 deadline;

6754 17. Motor vehicles owned by a nonprofit organization and used to deliver meals to homebound
6755 persons or provide transportation to senior or handicapped citizens in the community to carry out the
6756 purposes of the nonprofit organization;

6757 18. Privately owned camping trailers as defined in § 46.2-100, and privately owned travel trailers
6758 as defined in § 46.2-1900, which are used for recreational purposes only, and privately owned trailers as
6759 defined in § 46.2-100 which are designed and used for the transportation of horses except those trailers
6760 described in subdivision A 11 of § 58.1-3505;

6761 19. One motor vehicle owned and regularly used by a veteran who has either lost, or lost the use
6762 of, one or both legs, or an arm or a hand, or who is blind or who is permanently and totally disabled as
6763 certified by the Department of Veterans Services. In order to qualify, the veteran shall provide a written
6764 statement to the commissioner of revenue or other assessing officer from the Department of Veterans
6765 Services that the veteran has been so designated or classified by the Department of Veterans Services as
6766 to meet the requirements of this section, and that his disability is service-connected. For purposes of this
6767 section, a person is blind if he meets the provisions of § 46.2-100;

6768 20. Motor vehicles (i) owned by persons who have been appointed to serve as auxiliary police
6769 officers pursuant to Article 3 (§ 15.2-1731 et seq.) of Chapter 17 of Title 15.2 or (ii) leased by persons
6770 who have been so appointed to serve as auxiliary police officers if the person is obligated by the terms
6771 of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is
6772 regularly used by each auxiliary police officer to respond to auxiliary police duties may be specially
6773 classified under this section. In order to qualify for such classification, any auxiliary police officer who
6774 applies for such classification shall identify the vehicle for which this classification is sought, and shall
6775 furnish the commissioner of revenue or other assessing officer with a certification from the governing
6776 body that has appointed such auxiliary police officer or from the official who has appointed such
6777 auxiliary officers. That certification shall state that the applicant is an auxiliary police officer who
6778 regularly uses a motor vehicle to respond to auxiliary police duties, and it shall state that the vehicle for
6779 which the classification is sought is the vehicle that is regularly used for that purpose. The certification
6780 shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer;
6781 however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion,
6782 and for good cause shown and without fault on the part of the member, to accept a certification after the
6783 January 31 deadline;

6784 21. Until the first to occur of June 30, 2019, or the date that a special improvements tax is no
6785 longer levied under § 15.2-4607 on property within a Multicounty Transportation Improvement District
6786 created pursuant to Chapter 46 (§ 15.2-4600 et seq.) of Title 15.2, tangible personal property that is used
6787 in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement
6788 District, provided that such business personal property is put into service within the District on or after
6789 July 1, 1999;

6790 22. Motor vehicles which use clean special fuels as defined in § 46.2-749.3, which shall not
6791 include any vehicle described in subdivision 38 or 40;

6792 23. Wild or exotic animals kept for public exhibition in an indoor or outdoor facility that is
6793 properly licensed by the federal government, the Commonwealth, or both, and that is properly zoned for
6794 such use. "Wild animals" means any animals that are found in the wild, or in a wild state, within the

6795 boundaries of the United States, its territories or possessions. "Exotic animals" means any animals that
6796 are found in the wild, or in a wild state, and are native to a foreign country;

6797 24. Furniture, office, and maintenance equipment, exclusive of motor vehicles, that are owned
6798 and used by an organization whose real property is assessed in accordance with § 58.1-3284.1 and that is
6799 used by that organization for the purpose of maintaining or using the open or common space within a
6800 residential development;

6801 25. Motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or
6802 more used to transport property for hire by a motor carrier engaged in interstate commerce;

6803 26. All tangible personal property employed in a trade or business other than that described in
6804 subdivisions A 1 through A 19, except for subdivision A 17, of § 58.1-3503;

6805 27. Programmable computer equipment and peripherals employed in a trade or business;

6806 28. Privately owned pleasure boats and watercraft, motorized and under 18 feet, used for
6807 recreational purposes only;

6808 29. Privately owned pleasure boats and watercraft, nonmotorized and under 18 feet, used for
6809 recreational purposes only;

6810 30. Privately owned motor homes as defined in § 46.2-100 that are used for recreational purposes
6811 only;

6812 31. Tangible personal property used in the provision of Internet services. For purposes of this
6813 subdivision, "Internet service" means a service, including an Internet Web-hosting service, that enables
6814 users to access content, information, electronic mail, and the Internet as part of a package of services
6815 sold to customers;

6816 32. Motor vehicles (i) owned by persons who serve as auxiliary, reserve, volunteer, or special
6817 deputy sheriffs or (ii) leased by persons who serve as auxiliary, reserve, volunteer, or special deputy
6818 sheriffs if the person is obligated by the terms of the lease to pay tangible personal property tax on the
6819 motor vehicle. For purposes of this subdivision, the term "auxiliary deputy sheriff" means auxiliary,
6820 reserve, volunteer, or special deputy sheriff. One motor vehicle that is regularly used by each auxiliary
6821 deputy sheriff to respond to auxiliary deputy sheriff duties may be specially classified under this section.

6822 In order to qualify for such classification, any auxiliary deputy sheriff who applies for such classification
6823 shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of
6824 revenue or other assessing officer with a certification from the governing body that has appointed such
6825 auxiliary deputy sheriff or from the official who has appointed such auxiliary deputy sheriff. That
6826 certification shall state that the applicant is an auxiliary deputy sheriff who regularly uses a motor
6827 vehicle to respond to such auxiliary duties, and it shall state that the vehicle for which the classification
6828 is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by
6829 January 31 of each year to the commissioner of revenue or other assessing officer; however, the
6830 commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good
6831 cause shown and without fault on the part of the member, to accept a certification after the January 31
6832 deadline;

6833 33. Forest harvesting and silvicultural activity equipment;

6834 34. Equipment used primarily for research, development, production, or provision of
6835 biotechnology for the purpose of developing or providing products or processes for specific commercial
6836 or public purposes, including, but not limited to, medical, pharmaceutical, nutritional, and other health-
6837 related purposes; agricultural purposes; or environmental purposes but not for human cloning purposes
6838 as defined in § 32.1-162.21 or for products or purposes related to human embryo stem cells. For
6839 purposes of this section, biotechnology equipment means equipment directly used in activities
6840 associated with the science of living things;

6841 35. Boats or watercraft weighing less than five tons, used for business purposes only;

6842 36. Boats or watercraft weighing five tons or more, used for business purposes only;

6843 37. Tangible personal property which is owned and operated by a service provider who is not a
6844 CMRS provider and is not licensed by the FCC used to provide, for a fee, wireless broadband Internet
6845 service. For purposes of this subdivision, "wireless broadband Internet service" means a service that
6846 enables customers to access, through a wireless connection at an upload or download bit rate of more
6847 than one megabyte per second, Internet service, as defined in § 58.1-602, as part of a package of services
6848 sold to customers;

- 6849 38. Low-speed vehicles as defined in § 46.2-100;
- 6850 39. Motor vehicles with a seating capacity of not less than 30 persons, including the driver;
- 6851 40. Motor vehicles powered solely by electricity;
- 6852 41. Tangible personal property designed and used primarily for the purpose of manufacturing a
6853 product from renewable energy as defined in § 56-576;
- 6854 42. Motor vehicles leased by a county, city, town, or constitutional officer if the locality or
6855 constitutional officer is obligated by the terms of the lease to pay tangible personal property tax on the
6856 motor vehicle;
- 6857 43. Computer equipment and peripherals used in a data center. For purposes of this subdivision,
6858 "data center" means a facility whose primary services are the storage, management, and processing of
6859 digital data and is used to house (i) computer and network systems, including associated components
6860 such as servers, network equipment and appliances, telecommunications, and data storage systems; (ii)
6861 systems for monitoring and managing infrastructure performance; (iii) equipment used for the
6862 transformation, transmission, distribution, or management of at least one megawatt of capacity of
6863 electrical power and cooling, including substations, uninterruptible power supply systems, all electrical
6864 plant equipment, and associated air handlers; (iv) Internet-related equipment and services; (v) data
6865 communications connections; (vi) environmental controls; (vii) fire protection systems; and (viii)
6866 security systems and services;
- 6867 44. Motor vehicles (i) owned by persons who serve as uniformed members of the Virginia
6868 Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 or (ii) leased by
6869 persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-
6870 54.4 et seq.) of Chapter 1 of Title 44 if the person is obligated by the terms of the lease to pay tangible
6871 personal property tax on the motor vehicle. One motor vehicle that is regularly used by a uniformed
6872 member of the Virginia Defense Force to respond to his official duties may be specially classified under
6873 this section. In order to qualify for such classification, any person who applies for such classification
6874 shall identify the vehicle for which the classification is sought and shall furnish to the commissioner of
6875 the revenue or other assessing officer a certification from the Adjutant General of the Department of

6876 Military Affairs under § 44-11. That certification shall state that (a) the applicant is a uniformed member
6877 of the Virginia Defense Force who regularly uses a motor vehicle to respond to his official duties, and
6878 (b) the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose.
6879 The certification shall be submitted by January 31 of each year to the commissioner of the revenue or
6880 other assessing officer; however, the commissioner of revenue or other assessing officer shall be
6881 authorized, in his discretion, and for good cause shown and without fault on the part of the member, to
6882 accept a certification after the January 31 deadline; and

6883 45. If a locality has adopted an ordinance pursuant to subsection D of § 58.1-3703, tangible
6884 personal property of a business that qualifies under such ordinance for the first two tax years in which
6885 the business is subject to tax upon its personal property pursuant to this chapter. If a locality has not
6886 adopted such ordinance, this classification shall apply to the tangible personal property for such first two
6887 tax years of a business that otherwise meets the requirements of subsection D of § 58.1-3703.

6888 B. The governing body of any county, city or town may levy a tax on the property enumerated in
6889 subsection A at different rates from the tax levied on other tangible personal property. The rates of tax
6890 and the rates of assessment shall (i) for purposes of subdivisions 1, 2, 3, 4, 5, 6, 8, 11 through 20, 22
6891 through 24, and 26 through 45, not exceed that applicable to the general class of tangible personal
6892 property, (ii) for purposes of subdivisions A 7, A 9, A 21, and A 25, not exceed that applicable to
6893 machinery and tools, and (iii) for purposes of subdivision A 10, equal that applicable to real property. If
6894 a motor vehicle is included in multiple classifications under subsection A, then the rate of tax shall be
6895 the lowest rate assigned to such classifications. If computer equipment and peripherals used in a data
6896 center could be included in classifications set forth in subdivision A 11, 26, 27, or 43, then the computer
6897 equipment and peripherals used in a data center shall be taxed at the lowest rate available under
6898 subdivision A 11, 26, 27, or 43.

6899 C. Notwithstanding any other provision of this section, for any qualifying vehicle, as such term is
6900 defined in § 58.1-3523, (i) included in any separate class of property in subsection A and (ii) assessed
6901 for tangible personal property taxes by a county, city, or town receiving a payment from the
6902 Commonwealth under Chapter 35.1 (§ 58.1-3523 et seq.) for providing tangible personal property tax

6903 relief, the county, city, or town may levy the tangible personal property tax on such qualifying vehicle at
6904 a rate not to exceed the rates of tax and rates of assessment required under such chapter.

6905 **§ 58.1-3610. Volunteer fire departments and volunteer emergency medical services**
6906 **agencies.**

6907 Volunteer fire departments and volunteer ~~rescue squads which~~ emergency medical services
6908 agencies that operate exclusively for the benefit of the general public without charge are hereby
6909 classified as charitable organizations.

6910 **§ 58.1-3833. County food and beverage tax.**

6911 A. Any county is hereby authorized to levy a tax on food and beverages sold, for human
6912 consumption, by a restaurant, as such term is defined in subdivision 9 of § 35.1-1, not to exceed four
6913 percent of the amount charged for such food and beverages. Such tax shall not be levied on food and
6914 beverages sold through vending machines or by (i) boardinghouses that do not accommodate transients;
6915 (ii) cafeterias operated by industrial plants for employees only; (iii) restaurants to their employees as
6916 part of their compensation when no charge is made to the employee; (iv) volunteer fire departments and
6917 ~~rescue squads~~ volunteer emergency medical services agencies; nonprofit churches or other religious
6918 bodies; or educational, charitable, fraternal, or benevolent organizations the first three times per calendar
6919 year and, beginning with the fourth time, on the first \$100,000 of gross receipts per calendar year from
6920 sales of food and beverages (excluding gross receipts from the first three times), as a fundraising
6921 activity, the gross proceeds of which are to be used by such church, religious body or organization
6922 exclusively for nonprofit educational, charitable, benevolent, or religious purposes; (v) churches that
6923 serve meals for their members as a regular part of their religious observances; (vi) public or private
6924 elementary or secondary schools, colleges, and universities to their students or employees; (vii)
6925 hospitals, medical clinics, convalescent homes, nursing homes, or other extended care facilities to
6926 patients or residents thereof; (viii) day care centers; (ix) homes for the aged, infirm, handicapped,
6927 battered women, narcotic addicts, or alcoholics; or (x) age-restricted apartment complexes or residences
6928 with restaurants, not open to the public, where meals are served and fees are charged for such food and
6929 beverages and are included in rental fees. Also, the tax shall not be levied on food and beverages: (a)

6930 when used or consumed and paid for by the Commonwealth, any political subdivision of the
6931 Commonwealth, or the United States; or (b) provided by a public or private nonprofit charitable
6932 organization or establishment to elderly, infirm, blind, handicapped, or needy persons in their homes, or
6933 at central locations; or (c) provided by private establishments that contract with the appropriate agency
6934 of the Commonwealth to offer food, food products, or beverages for immediate consumption at
6935 concession prices to elderly, infirm, blind, handicapped, or needy persons in their homes or at central
6936 locations.

6937 Grocery stores and convenience stores selling prepared foods ready for human consumption at a
6938 delicatessen counter shall be subject to the tax, for that portion of the grocery store or convenience store
6939 selling such items.

6940 This tax shall be levied only if the tax is approved in a referendum within the county which shall
6941 be held in accordance with § 24.2-684 and initiated either by a resolution of the board of supervisors or
6942 on the filing of a petition signed by a number of registered voters of the county equal in number to 10
6943 percent of the number of voters registered in the county, as appropriate on January 1 of the year in which
6944 the petition is filed with the court of such county. The clerk of the circuit court shall publish notice of
6945 the election in a newspaper of general circulation in the county once a week for three consecutive weeks
6946 prior to the election. If the voters affirm the levy of a local meals tax, the tax shall be effective in an
6947 amount and on such terms as the governing body may by ordinance prescribe. If such resolution of the
6948 board of supervisors or such petition states for what projects and/or purposes the revenues collected
6949 from the tax are to be used, then the question on the ballot for the referendum shall include language
6950 stating for what projects and/or purposes the revenues collected from the tax are to be used.

6951 The term "beverage" as set forth herein shall mean alcoholic beverages as defined in § 4.1-100
6952 and nonalcoholic beverages served as part of a meal. The tax shall be in addition to the sales tax
6953 currently imposed by the county pursuant to the authority of Chapter 6 (§ 58.1-600 et seq.) of this title.
6954 Collection of such tax shall be in a manner prescribed by the governing body.

6955 B. Notwithstanding the provisions of subsection A of this section, Roanoke County, Rockbridge
6956 County, Frederick County, Arlington County, and Montgomery County, are hereby authorized to levy a

6957 tax on food and beverages sold for human consumption by a restaurant, as such term is defined in §
6958 35.1-1 and as modified in subsection A above and subject to the same exemptions, not to exceed four
6959 percent of the amount charged for such food and beverages, provided that the governing body of the
6960 respective county holds a public hearing before adopting a local food and beverage tax, and the
6961 governing body by unanimous vote adopts such tax by local ordinance. The tax shall be effective in an
6962 amount and on such terms as the governing body may by ordinance prescribe.

6963 C. Nothing herein contained shall affect any authority heretofore granted to any county, city or
6964 town to levy a meals tax. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any
6965 tax levied under this section, mutatis mutandis. All food and beverage tax collections and all meals tax
6966 collections shall be deemed to be held in trust for the county, city or town imposing the applicable tax.
6967 The wrongful and fraudulent use of such collections other than remittance of the same as provided by
6968 law shall constitute embezzlement pursuant to § 18.2-111.

6969 D. No county which has heretofore adopted an ordinance pursuant to subsection A of this section
6970 shall be required to submit an amendment to its meals tax ordinance to the voters in a referendum.

6971 E. Notwithstanding any other provision of this section, no locality shall levy any tax under this
6972 section upon (i) that portion of the amount paid by the purchaser as a discretionary gratuity in addition to
6973 the sales price; (ii) that portion of the amount paid by the purchaser as a mandatory gratuity or service
6974 charge added by the restaurant in addition to the sales price, but only to the extent that such mandatory
6975 gratuity or service charge does not exceed 20% of the sales price; or (iii) alcoholic beverages sold in
6976 factory sealed containers and purchased for off-premises consumption or food purchased for human
6977 consumption as "food" is defined in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, and
6978 federal regulations adopted pursuant to that act, except for the following items: sandwiches, salad bar
6979 items sold from a salad bar, prepackaged single-serving salads consisting primarily of an assortment of
6980 vegetables, and nonfactory sealed beverages.

6981 **§ 58.1-3840. Certain excise taxes permitted.**

6982 A. The provisions of Chapter 6 (§ 58.1-600 et seq.) ~~of this title~~ to the contrary notwithstanding,
6983 any city or town having general taxing powers established by charter pursuant to or consistent with the

6984 provisions of § 15.2-1104 may impose excise taxes on cigarettes, admissions, transient room rentals,
6985 meals, and travel campgrounds. No such taxes on meals may be imposed on (i) that portion of the
6986 amount paid by the purchaser as a discretionary gratuity in addition to the sales price of the meal; (ii)
6987 that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by the
6988 restaurant in addition to the sales price of the meal, but only to the extent that such mandatory gratuity or
6989 service charge does not exceed 20% of the sales price; or (iii) food and beverages sold through vending
6990 machines or on any tangible personal property purchased with food coupons issued by the United States
6991 Department of Agriculture under the Food Stamp Program or drafts issued through the Virginia Special
6992 Supplemental Food Program for Women, Infants, and Children. No such taxes on meals may be
6993 imposed when sold or provided by (a) restaurants, as such term is defined in subdivision 9 a of § 35.1-1,
6994 to their employees as part of their compensation when no charge is made to the employee; (b) volunteer
6995 fire departments and ~~rescue squads~~ volunteer emergency medical services agencies; nonprofit churches
6996 or other religious bodies; or educational, charitable, fraternal, or benevolent organizations, the first three
6997 times per calendar year and, beginning with the fourth time, on the first \$100,000 of gross receipts per
6998 calendar year from sales of meals (excluding gross receipts from the first three times), as a fundraising
6999 activity, the gross proceeds of which are to be used by such church, religious body or organization
7000 exclusively for nonprofit educational, charitable, benevolent, or religious purposes; (c) churches that
7001 serve meals for their members as a regular part of their religious observances; (d) public or private
7002 elementary or secondary schools, or public or private colleges and universities, to their students or
7003 employees; (e) hospitals, medical clinics, convalescent homes, nursing homes, or other extended care
7004 facilities to patients or residents thereof; (f) day care centers; (g) homes for the aged, infirm,
7005 handicapped, battered women, narcotic addicts, or alcoholics; or (h) age-restricted apartment complexes
7006 or residences with restaurants, not open to the public, where meals are served and fees are charged for
7007 such food and beverages and are included in rental fees.

7008 Also, the tax shall not be levied on meals: (a) when used or consumed and paid for by the
7009 Commonwealth, any political subdivision of the Commonwealth, or the United States; or (b) provided
7010 by a public or private nonprofit charitable organization or establishment to elderly, infirm, blind,

7011 handicapped, or needy persons in their homes, or at central locations; or (c) provided by private
7012 establishments that contract with the appropriate agency of the Commonwealth to offer food, food
7013 products, or beverages for immediate consumption at concession prices to elderly, infirm, blind,
7014 handicapped, or needy persons in their homes or at central locations.

7015 In addition, as set forth in § 51.5-98, no blind person operating a vending stand or other business
7016 enterprise under the jurisdiction of the Department for the Blind and Vision Impaired and located on
7017 property acquired and used by the United States for any military or naval purpose shall be required to
7018 collect and remit meals taxes.

7019 B. Notwithstanding any other provision of this section, no city or town shall levy any tax under
7020 this section upon alcoholic beverages sold in factory sealed containers and purchased for off-premises
7021 consumption or food purchased for human consumption as "food" is defined in the Food Stamp Act of
7022 1977, 7 U.S.C. § 2012, as amended, and federal regulations adopted pursuant to that act, except for the
7023 following items: sandwiches, salad bar items sold from a salad bar, prepackaged single-serving salads
7024 consisting primarily of an assortment of vegetables, and nonfactory sealed beverages.

7025 C. Any city or town that is authorized to levy a tax on admissions may levy the tax on
7026 admissions paid for any event held at facilities that are not owned by the city or town at a lower rate than
7027 the rate levied on admissions paid for any event held at its city- or town-owned civic centers, stadiums
7028 and amphitheatres.

7029 D. [Expired.]

7030 **§ 63.2-100. Definitions.**

7031 As used in this title, unless the context requires a different meaning:

7032 "Abused or neglected child" means any child less than 18 years of age:

- 7033 1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or
7034 inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than
7035 accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental
7036 functions, including, but not limited to, a child who is with his parent or other person responsible for his
7037 care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled

7038 substance, or (ii) during the unlawful sale of such substance by that child's parents or other person
7039 responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would
7040 constitute a felony violation of § 18.2-248;

7041 2. Whose parents or other person responsible for his care neglects or refuses to provide care
7042 necessary for his health. However, no child who in good faith is under treatment solely by spiritual
7043 means through prayer in accordance with the tenets and practices of a recognized church or religious
7044 denomination shall for that reason alone be considered to be an abused or neglected child. Further, a
7045 decision by parents who have legal authority for the child or, in the absence of parents with legal
7046 authority for the child, any person with legal authority for the child, who refuses a particular medical
7047 treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary
7048 care if (i) such decision is made jointly by the parents or other person with legal authority and the child;
7049 (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the
7050 subject of his medical treatment; (iii) the parents or other person with legal authority and the child have
7051 considered alternative treatment options; and (iv) the parents or other person with legal authority and the
7052 child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision
7053 shall be construed to limit the provisions of § 16.1-278.4;

7054 3. Whose parents or other person responsible for his care abandons such child;

7055 4. Whose parents or other person responsible for his care commits or allows to be committed any
7056 act of sexual exploitation or any sexual act upon a child in violation of the law;

7057 5. Who is without parental care or guardianship caused by the unreasonable absence or the
7058 mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing in
7059 loco parentis; or

7060 6. Whose parents or other person responsible for his care creates a substantial risk of physical or
7061 mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as
7062 defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the
7063 parent or other person responsible for his care knows has been convicted of an offense against a minor
7064 for which registration is required as a violent sexual offender pursuant to § 9.1-902.

7065 If a civil proceeding under this title is based solely on the parent having left the child at a
7066 hospital or ~~rescue-squad~~ emergency medical services agency, it shall be an affirmative defense that such
7067 parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended
7068 ~~rescue-squad~~ emergency medical services agency that employs emergency medical ~~technicians~~ services
7069 providers, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to §
7070 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the
7071 ground of abandonment.

7072 "Adoptive home" means any family home selected and approved by a parent, local board or a
7073 licensed child-placing agency for the placement of a child with the intent of adoption.

7074 "Adoptive placement" means arranging for the care of a child who is in the custody of a child-
7075 placing agency in an approved home for the purpose of adoption.

7076 "Adult abuse" means the willful infliction of physical pain, injury or mental anguish or
7077 unreasonable confinement of an adult.

7078 "Adult day care center" means any facility that is either operated for profit or that desires
7079 licensure and that provides supplementary care and protection during only a part of the day to four or
7080 more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility
7081 licensed by the State Board of Health or the Department of Behavioral Health and Developmental
7082 Services, and (ii) the home or residence of an individual who cares for only persons related to him by
7083 blood or marriage. Included in this definition are any two or more places, establishments or institutions
7084 owned, operated or controlled by a single entity and providing such supplementary care and protection
7085 to a combined total of four or more aged, infirm or disabled adults.

7086 "Adult exploitation" means the illegal use of an incapacitated adult or his resources for another's
7087 profit or advantage.

7088 "Adult foster care" means room and board, supervision, and special services to an adult who has
7089 a physical or mental condition. Adult foster care may be provided by a single provider for up to three
7090 adults.

7091 "Adult neglect" means that an adult is living under such circumstances that he is not able to
7092 provide for himself or is not being provided services necessary to maintain his physical and mental
7093 health and that the failure to receive such necessary services impairs or threatens to impair his well-
7094 being. However, no adult shall be considered neglected solely on the basis that such adult is receiving
7095 religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided
7096 that such treatment or care is performed in good faith and in accordance with the religious practices of
7097 the adult and there is a written or oral expression of consent by that adult.

7098 "Adult protective services" means services provided by the local department that are necessary to
7099 protect an adult from abuse, neglect or exploitation.

7100 "Assisted living care" means a level of service provided by an assisted living facility for adults
7101 who may have physical or mental impairments and require at least a moderate level of assistance with
7102 activities of daily living.

7103 "Assisted living facility" means any congregate residential setting that provides or coordinates
7104 personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for
7105 the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in
7106 a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of
7107 Health or the Department of Behavioral Health and Developmental Services, but including any portion
7108 of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains
7109 only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or
7110 disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the
7111 handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as a children's
7112 residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so
7113 licensed; and (iv) any housing project for persons 62 years of age or older or the disabled that provides
7114 no more than basic coordination of care services and is funded by the U.S. Department of Housing and
7115 Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development
7116 Authority. Included in this definition are any two or more places, establishments or institutions owned or
7117 operated by a single entity and providing maintenance or care to a combined total of four or more aged,

7118 infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight
7119 of the physical and mental well-being of an aged, infirm or disabled individual.

7120 "Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who
7121 receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive
7122 these benefits except for excess income.

7123 "Birth family" or "birth sibling" means the child's biological family or biological sibling.

7124 "Birth parent" means the child's biological parent and, for purposes of adoptive placement,
7125 means parent(s) by previous adoption.

7126 "Board" means the State Board of Social Services.

7127 "Child" means any natural person under 18 years of age.

7128 "Child day center" means a child day program offered to (i) two or more children under the age
7129 of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or
7130 more children at any location.

7131 "Child day program" means a regularly operating service arrangement for children where, during
7132 the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the
7133 supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

7134 "Child-placing agency" means any person who places children in foster homes, adoptive homes
7135 or independent living arrangements pursuant to § 63.2-1819 or a local board that places children in
7136 foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221. Officers, employees,
7137 or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who
7138 serve as or maintain a child-placing agency, shall not be required to be licensed.

7139 "Child-protective services" means the identification, receipt and immediate response to
7140 complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also
7141 includes assessment, and arranging for and providing necessary protective and rehabilitative services for
7142 a child and his family when the child has been found to have been abused or neglected or is at risk of
7143 being abused or neglected.

7144 "Child support services" means any civil, criminal or administrative action taken by the Division
7145 of Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or
7146 collect child support, or child and spousal support.

7147 "Child-welfare agency" means a child day center, child-placing agency, children's residential
7148 facility, family day home, family day system, or independent foster home.

7149 "Children's residential facility" means any facility, child-caring institution, or group home that is
7150 maintained for the purpose of receiving children separated from their parents or guardians for full-time
7151 care, maintenance, protection and guidance, or for the purpose of providing independent living services
7152 to persons between 18 and 21 years of age who are in the process of transitioning out of foster care.
7153 Children's residential facility shall not include:

7154 1. A licensed or accredited educational institution whose pupils, in the ordinary course of events,
7155 return annually to the homes of their parents or guardians for not less than two months of summer
7156 vacation;

7157 2. An establishment required to be licensed as a summer camp by § 35.1-18; and

7158 3. A licensed or accredited hospital legally maintained as such.

7159 "Commissioner" means the Commissioner of the Department, his designee or authorized
7160 representative.

7161 "Department" means the State Department of Social Services.

7162 "Department of Health and Human Services" means the Department of Health and Human
7163 Services of the United States government or any department or agency thereof that may hereafter be
7164 designated as the agency to administer the Social Security Act, as amended.

7165 "Disposable income" means that part of the income due and payable of any individual remaining
7166 after the deduction of any amount required by law to be withheld.

7167 "Energy assistance" means benefits to assist low-income households with their home heating and
7168 cooling needs, including, but not limited to, purchase of materials or substances used for home heating,
7169 repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or
7170 repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance

7171 with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the
7172 Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35), as amended.

7173 "Family day home" means a child day program offered in the residence of the provider or the
7174 home of any of the children in care for one through 12 children under the age of 13, exclusive of the
7175 provider's own children and any children who reside in the home, when at least one child receives care
7176 for compensation. The provider of a licensed or registered family day home shall disclose to the parents
7177 or guardians of children in their care the percentage of time per week that persons other than the
7178 provider will care for the children. Family day homes serving six through 12 children, exclusive of the
7179 provider's own children and any children who reside in the home, shall be licensed. However, no family
7180 day home shall care for more than four children under the age of two, including the provider's own
7181 children and any children who reside in the home, unless the family day home is licensed or voluntarily
7182 registered. However, a family day home where the children in care are all grandchildren of the provider
7183 shall not be required to be licensed.

7184 "Family day system" means any person who approves family day homes as members of its
7185 system; who refers children to available family day homes in that system; and who, through contractual
7186 arrangement, may provide central administrative functions including, but not limited to, training of
7187 operators of member homes; technical assistance and consultation to operators of member homes;
7188 inspection, supervision, monitoring, and evaluation of member homes; and referral of children to
7189 available health and social services.

7190 "Foster care placement" means placement of a child through (i) an agreement between the
7191 parents or guardians and the local board where legal custody remains with the parents or guardians or
7192 (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency.

7193 "Foster home" means the place of residence of any natural person in which any child, other than
7194 a child by birth or adoption of such person, resides as a member of the household.

7195 "General relief" means money payments and other forms of relief made to those persons
7196 mentioned in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance
7197 with § 63.2-401.

7198 "Independent foster home" means a private family home in which any child, other than a child by
7199 birth or adoption of such person, resides as a member of the household and has been placed therein
7200 independently of a child-placing agency except (i) a home in which are received only children related by
7201 birth or adoption of the person who maintains such home and children of personal friends of such person
7202 and (ii) a home in which is received a child or children committed under the provisions of subdivision A
7203 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8.

7204 "Independent living" means a planned program of services designed to assist a child age 16 and
7205 over and persons who are former foster care children between the ages of 18 and 21 in transitioning to
7206 self-sufficiency.

7207 "Independent living arrangement" means placement of a child at least 16 years of age who is in
7208 the custody of a local board or licensed child-placing agency and has been placed by the local board or
7209 licensed child-placing agency in a living arrangement in which he does not have daily substitute parental
7210 supervision.

7211 "Independent living services" means services and activities provided to a child in foster care 14
7212 years of age or older who was committed or entrusted to a local board of social services, child welfare
7213 agency, or private child-placing agency. "Independent living services" may also mean services and
7214 activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the
7215 age of 21 years or (ii) is at least 18 years of age but who has not yet reached 21 years of age and who,
7216 immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local
7217 board of social services. Such services shall include counseling, education, housing, employment, and
7218 money management skills development, access to essential documents, and other appropriate services to
7219 help children or persons prepare for self-sufficiency.

7220 "Independent physician" means a physician who is chosen by the resident of the assisted living
7221 facility and who has no financial interest in the assisted living facility, directly or indirectly, as an
7222 owner, officer, or employee or as an independent contractor with the residence.

7223 "Intercountry placement" means the arrangement for the care of a child in an adoptive home or
7224 foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or

7225 other entity authorized to make such placements in accordance with the laws of the foreign country
7226 under which it operates.

7227 "Interstate placement" means the arrangement for the care of a child in an adoptive home, foster
7228 care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out
7229 of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent
7230 or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the
7231 action of any court.

7232 "Kinship care" means the full-time care, nurturing, and protection of children by relatives.

7233 "Local board" means the local board of social services representing one or more counties or
7234 cities.

7235 "Local department" means the local department of social services of any county or city in this
7236 Commonwealth.

7237 "Local director" means the director or his designated representative of the local department of
7238 the city or county.

7239 "Merit system plan" means those regulations adopted by the Board in the development and
7240 operation of a system of personnel administration meeting requirements of the federal Office of
7241 Personnel Management.

7242 "Parental placement" means locating or effecting the placement of a child or the placing of a
7243 child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

7244 "Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to
7245 the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services;
7246 child care; and general relief.

7247 "Qualified assessor" means an entity contracting with the Department of Medical Assistance
7248 Services to perform nursing facility pre-admission screening or to complete the uniform assessment
7249 instrument for a home and community-based waiver program, including an independent physician
7250 contracting with the Department of Medical Assistance Services to complete the uniform assessment

7251 instrument for residents of assisted living facilities, or any hospital that has contracted with the
7252 Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

7253 "Registered family day home" means any family day home that has met the standards for
7254 voluntary registration for such homes pursuant to regulations adopted by the Board and that has obtained
7255 a certificate of registration from the Commissioner.

7256 "Residential living care" means a level of service provided by an assisted living facility for adults
7257 who may have physical or mental impairments and require only minimal assistance with the activities of
7258 daily living. The definition of "residential living care" includes the services provided by independent
7259 living facilities that voluntarily become licensed.

7260 "Social services" means foster care, adoption, adoption assistance, child-protective services,
7261 domestic violence services, or any other services program implemented in accordance with regulations
7262 adopted by the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et
7263 seq.) of Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of
7264 Chapter 14 of Title 51.5 provided by local departments of social services in accordance with regulations
7265 and under the supervision of the Commissioner for Aging and Rehabilitative Services.

7266 "Special order" means an order imposing an administrative sanction issued to any party licensed
7267 pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A
7268 special order shall be considered a case decision as defined in § 2.2-4001.

7269 "Temporary Assistance for Needy Families" or "TANF" means the program administered by the
7270 Department through which a relative can receive monthly cash assistance for the support of his eligible
7271 children.

7272 "Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the
7273 Temporary Assistance for Needy Families program for families in which both natural or adoptive
7274 parents of a child reside in the home and neither parent is exempt from the Virginia Initiative for
7275 Employment Not Welfare (VIEW) participation under § 63.2-609.

7276 "Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social
7277 Security Act, as amended, and administered by the Department through which foster care is provided on
7278 behalf of qualifying children.

7279 **§ 63.2-1515. Central registry; disclosure of information.**

7280 The central registry shall contain such information as shall be prescribed by Board regulation;
7281 however, when the founded case of abuse or neglect does not name the parents or guardians of the child
7282 as the abuser or neglector, and the abuse or neglect occurred in a licensed or unlicensed child day center,
7283 a licensed, registered or approved family day home, a private or public school, or a children's residential
7284 facility, the child's name shall not be entered on the registry without consultation with and permission of
7285 the parents or guardians. If a child's name currently appears on the registry without consultation with
7286 and permission of the parents or guardians for a founded case of abuse and neglect that does not name
7287 the parents or guardians of the child as the abuser or neglector, such parents or guardians may have the
7288 child's name removed by written request to the Department. The information contained in the central
7289 registry shall not be open to inspection by the public. However, appropriate disclosure may be made in
7290 accordance with Board regulations.

7291 The Department shall respond to requests for a search of the central registry made by (i) local
7292 departments and (ii) local school boards regarding applicants for employment, pursuant to § 22.1-296.4,
7293 in cases where there is no match within the central registry within 10 business days of receipt of such
7294 requests. In cases where there is a match within the central registry regarding applicants for
7295 employment, the Department shall respond to requests made by local departments and local school
7296 boards within 30 business days of receipt of such requests. The response may be by first-class mail or
7297 facsimile transmission.

7298 Any central registry check of a person who has applied to be a volunteer with a (a) Virginia
7299 affiliate of Big Brothers/Big Sisters of America, (b) Virginia affiliate of Compeer, (c) Virginia affiliate
7300 of Childhelp USA/rs, (d) volunteer fire company or volunteer ~~rescue squad~~ emergency medical services
7301 agency, or (e) ~~with a~~ court-appointed special advocate program pursuant to § 9.1-153 shall be conducted
7302 at no charge.

7303 **§ 65.2-101. Definitions.**

7304 As used in this title:

7305 "Average weekly wage" means:

7306 1. a. The earnings of the injured employee in the employment in which he was working at the
7307 time of the injury during the period of 52 weeks immediately preceding the date of the injury, divided by
7308 52; but if the injured employee lost more than seven consecutive calendar days during such period,
7309 although not in the same week, then the earnings for the remainder of the 52 weeks shall be divided by
7310 the number of weeks remaining after the time so lost has been deducted. When the employment prior to
7311 the injury extended over a period of less than 52 weeks, the method of dividing the earnings during that
7312 period by the number of weeks and parts thereof during which the employee earned wages shall be
7313 followed, provided that results fair and just to both parties will be thereby obtained. When, by reason of
7314 a shortness of time during which the employee has been in the employment of his employer or the casual
7315 nature or terms of his employment, it is impractical to compute the average weekly wages as above
7316 defined, regard shall be had to the average weekly amount which during the 52 weeks previous to the
7317 injury was being earned by a person of the same grade and character employed in the same class of
7318 employment in the same locality or community.

7319 b. When for exceptional reasons the foregoing would be unfair either to the employer or
7320 employee, such other method of computing average weekly wages may be resorted to as will most
7321 nearly approximate the amount which the injured employee would be earning were it not for the injury.

7322 2. Whenever allowances of any character made to an employee in lieu of wages are a specified
7323 part of the wage contract, they shall be deemed a part of his earnings. For the purpose of this title, the
7324 average weekly wage of the members of the Virginia National Guard, the Virginia Naval Militia and the
7325 Virginia Defense Force, registered members on duty or in training of the United States Civil Defense
7326 Corps of ~~this~~ the Commonwealth, volunteer firefighters engaged in firefighting activities under the
7327 supervision and control of the Department of Forestry, and forest wardens shall be deemed to be such
7328 amount as will entitle them to the maximum compensation payable under this title; however, any award
7329 entered under the provisions of this title on behalf of members of the National Guard, the Virginia Naval

7330 Militia or their dependents, or registered members on duty or in training of the United States Civil
7331 Defense Corps of ~~this~~ the Commonwealth or their dependents, shall be subject to credit for benefits paid
7332 them under existing or future federal law on account of injury or occupational disease covered by the
7333 provisions of this title.

7334 3. Whenever volunteer firefighters, volunteer ~~lifesaving or volunteer rescue squad members~~
7335 emergency medical services personnel, volunteer law-enforcement chaplains, auxiliary or reserve police,
7336 auxiliary or reserve deputy sheriffs, ~~volunteer emergency medical technicians~~, members of volunteer
7337 search and rescue organizations, volunteer members of community emergency response teams, and
7338 volunteer members of medical reserve corps are deemed employees under this title, their average weekly
7339 wage shall be deemed sufficient to produce the minimum compensation provided by this title for injured
7340 workers or their dependents. For the purposes of workers' compensation insurance premium
7341 calculations, the monthly payroll for each volunteer firefighter or volunteer ~~lifesaving or volunteer~~
7342 ~~rescue squad member~~ who is an individual who meets the definition of "emergency medical services
7343 personnel" in § 32.1-111.1 shall be deemed to be \$300.

7344 4. The average weekly wage of persons, other than those covered in subdivision 3 of this
7345 definition, who respond to a hazardous materials incident at the request of the Department of Emergency
7346 Management shall be based upon the earnings of such persons from their primary employers.

7347 "Award" means the grant or denial of benefits or other relief under this title or any rule adopted
7348 pursuant thereto.

7349 "Change in condition" means a change in physical condition of the employee as well as any
7350 change in the conditions under which compensation was awarded, suspended, or terminated which
7351 would affect the right to, amount of, or duration of compensation.

7352 "Client company" means any person that enters into an agreement for professional employer
7353 services with a professional employer organization.

7354 "Coemployee" means an employee performing services pursuant to an agreement for
7355 professional employer services between a client company and a professional employer organization.

7356 "Commission" means the Virginia Workers' Compensation Commission as well as its former
7357 designation as the Virginia Industrial Commission.

7358 "Employee" means:

7359 1. a. Every person, including aliens and minors, in the service of another under any contract of
7360 hire or apprenticeship, written or implied, whether lawfully or unlawfully employed, except (i) one
7361 whose employment is not in the usual course of the trade, business, occupation or profession of the
7362 employer or (ii) as otherwise provided in subdivision 2 of this definition.

7363 b. Any apprentice, trainee, or retrainee who is regularly employed while receiving training or
7364 instruction outside of regular working hours and off the job, so long as the training or instruction is
7365 related to his employment and is authorized by his employer.

7366 c. Members of the Virginia National Guard and the Virginia Naval Militia, whether on duty in a
7367 paid or unpaid status or when performing voluntary service to their unit in a nonduty status at the request
7368 of their commander.

7369 Income benefits for members of the National Guard or Naval Militia shall be terminated when
7370 they are able to return to their customary civilian employment or self-employment. If they are neither
7371 employed nor self-employed, those benefits shall terminate when they are able to return to their military
7372 duties. If a member of the National Guard or Naval Militia who is fit to return to his customary civilian
7373 employment or self-employment remains unable to perform his military duties and thereby suffers loss
7374 of military pay which he would otherwise have earned, he shall be entitled to one day of income benefits
7375 for each unit training assembly or day of paid training which he is unable to attend.

7376 d. Members of the Virginia Defense Force.

7377 e. Registered members of the United States Civil Defense Corps of ~~this~~ the Commonwealth,
7378 whether on duty or in training.

7379 f. Except as provided in subdivision 2 of this definition, all officers and employees of the
7380 Commonwealth, including (i) forest wardens; (ii) judges, clerks, deputy clerks and employees of
7381 juvenile and domestic relations district courts and general district courts; and (iii) secretaries and
7382 administrative assistants for officers and members of the General Assembly employed pursuant to § 30-

7383 19.4 and compensated as provided in the general appropriation act, who shall be deemed employees of
7384 the Commonwealth.

7385 g. Except as provided in subdivision 2 of this definition, all officers and employees of a
7386 municipal corporation or political subdivision of the Commonwealth.

7387 h. Except as provided in subdivision 2 of this definition, (i) every executive officer, including
7388 president, vice-president, secretary, treasurer or other officer, elected or appointed in accordance with
7389 the charter and bylaws of a corporation, municipal or otherwise and (ii) every manager of a limited
7390 liability company elected or appointed in accordance with the articles of organization or operating
7391 agreement of the limited liability company.

7392 i. Policemen and firefighters, sheriffs and their deputies, town sergeants and their deputies,
7393 county and city commissioners of the revenue, county and city treasurers, attorneys for the
7394 Commonwealth, clerks of circuit courts and their deputies, officers and employees, and electoral board
7395 members appointed in accordance with § 24.2-106, who shall be deemed employees of the respective
7396 cities, counties and towns in which their services are employed and by whom their salaries are paid or in
7397 which their compensation is earnable. However, notwithstanding the foregoing provision of this
7398 subdivision, such individuals who would otherwise be deemed to be employees of the city, county, or
7399 town in which their services are employed and by whom their salaries are paid or in which their
7400 compensation is earnable shall be deemed to be employees of the Commonwealth while rendering aid
7401 outside of the Commonwealth pursuant to a request, approved by the Commonwealth, under the
7402 Emergency Management Assistance Compact enacted pursuant to § 44-146.28:1.

7403 j. Members of the governing body of any county, city, or town in the Commonwealth, whenever
7404 coverage under this title is extended to such members by resolution or ordinance duly adopted.

7405 k. Volunteers, officers and employees of any commission or board of any authority created or
7406 controlled by a local governing body, or any local agency or public service corporation owned, operated
7407 or controlled by such local governing body, whenever coverage under this title is authorized by
7408 resolution or ordinance duly adopted by the governing board of any county, city, town, or any political
7409 subdivision thereof.

7410 1. Except as provided in subdivision 2 of this definition, volunteer firefighters, volunteer
7411 ~~lifesaving or rescue squad members~~ emergency medical services agency personnel, volunteer law-
7412 enforcement chaplains, auxiliary or reserve police, auxiliary or reserve deputy sheriffs, ~~volunteer~~
7413 ~~emergency medical technicians~~, members of volunteer search and rescue organizations, volunteer
7414 members of regional hazardous materials emergency response teams, volunteer members of community
7415 emergency response teams, and volunteer members of medical reserve corps, who shall be deemed
7416 employees of (i) the political subdivision or state institution of higher education in which the principal
7417 office of such volunteer fire company, volunteer ~~lifesaving or rescue squad~~ emergency medical services
7418 agency personnel, volunteer law-enforcement chaplains, auxiliary or reserve police force, auxiliary or
7419 reserve deputy sheriff force, ~~volunteer emergency medical technicians~~, volunteer search and rescue
7420 organization, regional hazardous materials emergency response team, community emergency response
7421 team, or medical reserve corps is located if the governing body of such political subdivision or state
7422 institution of higher education has adopted a resolution acknowledging those persons as employees for
7423 the purposes of this title or (ii) in the case of volunteer firefighters or volunteer ~~lifesaving or rescue~~
7424 ~~squad members~~ emergency medical services personnel, the fire companies or ~~squads~~ emergency medical
7425 services agencies for which volunteer services are provided whenever such companies or squads elect to
7426 be included as an employer under this title.

7427 m. (1) Volunteer firefighters, volunteer ~~lifesaving or rescue squad members~~ emergency medical
7428 services agency personnel, volunteer law-enforcement chaplains, auxiliary or reserve police, auxiliary or
7429 reserve deputy sheriffs, ~~volunteer emergency medical technicians~~, members of volunteer search and
7430 rescue organizations and any other persons who respond to an incident upon request of the Department
7431 of Emergency Management, who shall be deemed employees of the Department of Emergency
7432 Management for the purposes of this title.

7433 (2) Volunteer firefighters when engaged in firefighting activities under the supervision and
7434 control of the Department of Forestry, who shall be deemed employees of the Department of Forestry
7435 for the purposes of this title.

7436 n. Any sole proprietor, shareholder of a stock corporation having only one shareholder, member
7437 of a limited liability company having only one member, or all partners of a business electing to be
7438 included as an employee under the workers' compensation coverage of such business if the insurer is
7439 notified of this election. Any sole proprietor, shareholder or member or the partners shall, upon such
7440 election, be entitled to employee benefits and be subject to employee responsibilities prescribed in this
7441 title.

7442 When any partner or sole shareholder, member or proprietor is entitled to receive coverage under
7443 this title, such person shall be subject to all provisions of this title as if he were an employee; however,
7444 the notices required under §§ 65.2-405 and 65.2-600 ~~of this title~~ shall be given to the insurance carrier,
7445 and the panel of physicians required under § 65.2-603 shall be selected by the insurance carrier.

7446 o. The independent contractor of any employer subject to this title at the election of such
7447 employer provided (i) the independent contractor agrees to such inclusion and (ii) unless the employer is
7448 self-insured, the employer's insurer agrees in writing to such inclusion. All or part of the cost of the
7449 insurance coverage of the independent contractor may be borne by the independent contractor.

7450 When any independent contractor is entitled to receive coverage under this section, such person
7451 shall be subject to all provisions of this title as if he were an employee, provided that the notices
7452 required under §§ 65.2-405 and 65.2-600 are given either to the employer or its insurance carrier.

7453 However, nothing in this title shall be construed to make the employees of any independent
7454 contractor the employees of the person or corporation employing or contracting with such independent
7455 contractor.

7456 p. The legal representative, dependents and any other persons to whom compensation may be
7457 payable when any person covered as an employee under this title shall be deceased.

7458 q. Jail officers and jail superintendents employed by regional jails or jail farm boards or
7459 authorities, whether created pursuant to Article 3.1 (§ 53.1-95.2 et seq.) or Article 5 (§ 53.1-105 et seq.)
7460 of Chapter 3 of Title 53.1, or an act of assembly.

7461 r. AmeriCorps members who receive stipends in return for volunteering in local, state and
7462 nonprofit agencies in the Commonwealth, who shall be deemed employees of the Commonwealth for
7463 the purposes of this title.

7464 s. Food Stamp recipients participating in the work experience component of the Food Stamp
7465 Employment and Training Program, who shall be deemed employees of the Commonwealth for the
7466 purposes of this title.

7467 t. Temporary Assistance for Needy Families recipients not eligible for Medicaid participating in
7468 the work experience component of the Virginia Initiative for Employment Not Welfare Program, who
7469 shall be deemed employees of the Commonwealth for the purposes of this title.

7470 2. "Employee" shall not mean:

7471 a. Officers and employees of the Commonwealth who are elected by the General Assembly, or
7472 appointed by the Governor, either with or without the confirmation of the Senate. This exception shall
7473 not apply to any "state employee" as defined in § 51.1-124.3 nor to Supreme Court Justices, judges of
7474 the Court of Appeals, judges of the circuit or district courts, members of the Workers' Compensation
7475 Commission and the State Corporation Commission, or the Superintendent of State Police.

7476 b. Officers and employees of municipal corporations and political subdivisions of the
7477 Commonwealth who are elected by the people or by the governing bodies, and who act in purely
7478 administrative capacities and are to serve for a definite term of office.

7479 c. Any person who is a licensed real estate salesperson, or a licensed real estate broker associated
7480 with a real estate broker, if (i) substantially all of the salesperson's or associated broker's remuneration is
7481 derived from real estate commissions, (ii) the services of the salesperson or associated broker are
7482 performed under a written contract specifying that the salesperson is an independent contractor, and (iii)
7483 such contract includes a provision that the salesperson or associated broker will not be treated as an
7484 employee for federal income tax purposes.

7485 d. Any taxicab or executive sedan driver, provided the Commission is furnished evidence that
7486 such individual is excluded from taxation by the Federal Unemployment Tax Act.

7487 e. Casual employees.

7488 f. Domestic servants.

7489 g. Farm and horticultural laborers, unless the employer regularly has in service more than three
7490 full-time employees.

7491 h. Employees of any person, firm or private corporation, including any public service
7492 corporation, that has regularly in service less than three employees in the same business within this
7493 Commonwealth, unless such employees and their employers voluntarily elect to be bound by this title.
7494 However, this exemption shall not apply to the operators of underground coal mines or their employees.
7495 An executive officer who is not paid salary or wages on a regular basis at an agreed upon amount and
7496 who rejects coverage under this title pursuant to § 65.2-300 shall not be included as an employee for
7497 purposes of this subdivision.

7498 i. Employees of any common carrier by railroad engaging in commerce between any of the
7499 several states or territories or between the District of Columbia and any of the states or territories and
7500 any foreign nation or nations, and any person suffering injury or death while he is employed by such
7501 carrier in such commerce. This title shall not be construed to lessen the liability of any such common
7502 carrier or to diminish or take away in any respect any right that any person so employed, or the personal
7503 representative, kindred or relation, or dependent of such person, may have under the act of Congress
7504 relating to the liability of common carriers by railroad to their employees in certain cases, approved
7505 April 22, 1908, or under §§ 8.01-57 through 8.01-62 or § 56-441.

7506 j. Employees of common carriers by railroad who are engaged in intrastate trade or commerce.
7507 However, this title shall not be construed to lessen the liability of such common carriers or take away or
7508 diminish any right that any employee or, in case of his death, the personal representative of such
7509 employee of such common carrier may have under §§ 8.01-57 through 8.01-61 or § 56-441.

7510 k. Except as provided in subdivision 1 of this definition, a member of a volunteer ~~fire fighting,~~
7511 ~~lifesaving or rescue squad~~ fire department or volunteer emergency medical services agency when
7512 engaged in activities related principally to participation as an individual who meets the definition of
7513 "emergency medical services personnel" in § 32.1-111.1 or a member of such ~~squad fire department~~

7514 whether or not the volunteer continues to receive compensation from his employer for time away from
7515 the job.

7516 l. Except as otherwise provided in this title, noncompensated employees and noncompensated
7517 directors of corporations exempt from taxation pursuant to § 501(c)(3) of Title 26 of the United States
7518 Code (Internal Revenue Code of 1954).

7519 m. Any person performing services as a sports official for an entity sponsoring an interscholastic
7520 or intercollegiate sports event or any person performing services as a sports official for a public entity or
7521 a private, nonprofit organization which sponsors an amateur sports event. For the purposes of this
7522 subdivision, "sports official" includes an umpire, referee, judge, scorekeeper, timekeeper or other person
7523 who is a neutral participant in a sports event. This shall not include any person, otherwise employed by
7524 an organization or entity sponsoring a sports event, who performs services as a sports official as part of
7525 his regular employment.

7526 n. Any person who suffers an injury on or after July 1, 2012, for which there is jurisdiction under
7527 either the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. § 901 et seq., and its
7528 extensions, or the Merchant Marine Act of 1920, 46 U.S.C. § 30104 et seq. However, this title shall not
7529 be construed to eliminate or diminish any right that any person or, in the case of the person's death, his
7530 personal representative, may have under either the Longshore and Harbor Workers' Compensation Act,
7531 33 U.S.C. § 901 et seq., and its extensions, or the Merchant Marine Act of 1920, 46 U.S.C. § 30104 et
7532 seq.

7533 "Employer" includes (i) any person, the Commonwealth or any political subdivision thereof and
7534 any individual, firm, association or corporation, or the receiver or trustee of the same, or the legal
7535 representative of a deceased employer, using the service of another for pay and (ii) any volunteer fire
7536 company or volunteer ~~lifesaving or rescue squad~~ emergency medical services agency electing to be
7537 included and maintaining coverage as an employer under this title. If the employer is insured, it includes
7538 his insurer so far as applicable.

7539 "Executive officer" means (i) the president, vice-president, secretary, treasurer or other officer,
7540 elected or appointed in accordance with the charter and bylaws of a corporation and (ii) the managers

7541 elected or appointed in accordance with the articles of organization or operating agreement of a limited
7542 liability company. However, such term does not include noncompensated officers of corporations
7543 exempt from taxation pursuant to § 501(c)(3) of Title 26 of the United States Code (Internal Revenue
7544 Code of 1954).

7545 "Filed" means hand delivered to the Commission's office in Richmond or any regional office
7546 maintained by the Commission; sent by means of electronic transmission approved by the Commission;
7547 sent by facsimile transmission; or posted at any post office of the United States Postal Service by
7548 certified or registered mail. Filing by first-class mail, electronic transmission, or facsimile transmission
7549 shall be deemed completed only when the document or other material transmitted reaches the
7550 Commission or its designated agent.

7551 "Injury" means only injury by accident arising out of and in the course of the employment or
7552 occupational disease as defined in Chapter 4 (§ 65.2-400 et seq.) ~~of this title~~ and does not include a
7553 disease in any form, except when it results naturally and unavoidably from either of the foregoing
7554 causes. Such term shall not include any injury, disease or condition resulting from an employee's
7555 voluntary:

7556 1. Participation in employer-sponsored off-duty recreational activities which are not part of the
7557 employee's duties; or

7558 2. Use of a motor vehicle that was provided to the employee by a motor vehicle dealer as defined
7559 by § 46.2-1500 and bears a dealer's license plate as defined by § 46.2-1550 for (i) commuting to or from
7560 work or (ii) any other nonwork activity.

7561 Such term shall include any injury, disease or condition:

7562 1. Arising out of and in the course of the employment of (a) an employee of a hospital as defined
7563 in § 32.1-123; (b) an employee of a health care provider as defined in § 8.01-581.1; (c) an employee of
7564 the Department of Health or a local department of health; (d) a member of a search and rescue
7565 organization; or (e) any person described in clauses (i) through (iv), (vi), and (ix) of subsection A of §
7566 65.2-402.1 otherwise subject to the provisions of this title; and

7567 2. Resulting from (a) the administration of vaccinia (smallpox) vaccine, Cidofivir and derivatives
7568 thereof, or Vaccinia Immune Globulin as part of federally initiated smallpox countermeasures, or (b)
7569 transmission of vaccinia in the course of employment from an employee participating in such
7570 countermeasures to a coemployee of the same employer.

7571 "Professional employer organization" means any person that enters into a written agreement with
7572 a client company to provide professional employer services.

7573 "Professional employer services" means services provided to a client company pursuant to a
7574 written agreement with a professional employer organization whereby the professional employer
7575 organization initially employs all or a majority of a client company's workforce and assumes
7576 responsibilities as an employer for all coemployees that are assigned, allocated, or shared by the
7577 agreement between the professional employer organization and the client company.

7578 "Staffing service" means any person, other than a professional employer organization, that hires
7579 its own employees and assigns them to a client to support or supplement the client's workforce. It
7580 includes temporary staffing services that supply employees to clients in special work situations such as
7581 employee absences, temporary skill shortages, seasonal workloads, and special assignments and
7582 projects.

7583 **§ 65.2-102. Coverage of firefighters and law-enforcement officers in off-duty capacity.**

7584 A. Notwithstanding any other provision of law, a claim for workers' compensation benefits shall
7585 be deemed to be in the course of employment of any firefighter or law-enforcement officer who, in an
7586 off-duty capacity or outside an assigned shift or work location, undertakes any law-enforcement or
7587 rescue activity. Nothing in this section shall prohibit an employer from using any defense otherwise
7588 available under this title.

7589 B. For purposes of this section:

7590 "Firefighter" means all (i) salaried firefighters, including special forest wardens designated
7591 pursuant to § 10.1-1135, emergency medical ~~technicians, lifesaving and rescue squad members~~ services
7592 personnel, and arson investigators and (ii) volunteer firefighters and ~~lifesaving or rescue squad members~~
7593 emergency medical services personnel, if the governing body of the political subdivision in which the

7594 principal office of such volunteer fire company or volunteer ~~lifeguarding or rescue squad~~ emergency
7595 medical services agency is located has adopted a resolution acknowledging such volunteer fire company
7596 or volunteer ~~lifeguarding and rescue squad~~ emergency medical services agency as employees for purposes
7597 of this title.

7598 "Law-enforcement officer" means all (i) members of county, city, town, or authority police
7599 departments, (ii) sheriffs and deputy sheriffs, (iii) auxiliary or reserve police and auxiliary or reserve
7600 deputy sheriffs, if the governing body of the political subdivision in which the principal office of such
7601 auxiliary or reserve police and auxiliary or reserve deputy sheriff force is located has adopted a
7602 resolution acknowledging such auxiliary or reserve police and auxiliary or reserve deputy sheriffs as
7603 employees for purposes of this title, (iv) members of the State Police Officers' Retirement System, and
7604 (v) members of the Capitol Police as described in § 30-34.2:1.

7605 **§ 65.2-402. Presumption as to death or disability from respiratory disease, hypertension or**
7606 **heart disease, cancer.**

7607 A. Respiratory diseases that cause (i) the death of volunteer or salaried firefighters or
7608 Department of Emergency Management hazardous materials officers or (ii) any health condition or
7609 impairment of such firefighters or Department of Emergency Management hazardous materials officers
7610 resulting in total or partial disability shall be presumed to be occupational diseases, suffered in the line
7611 of duty, that are covered by this title unless such presumption is overcome by a preponderance of
7612 competent evidence to the contrary.

7613 B. Hypertension or heart disease causing the death of, or any health condition or impairment
7614 resulting in total or partial disability of (i) salaried or volunteer firefighters, (ii) members of the State
7615 Police Officers' Retirement System, (iii) members of county, city, or town police departments, (iv)
7616 sheriffs and deputy sheriffs, (v) Department of Emergency Management hazardous materials officers,
7617 (vi) city sergeants or deputy city sergeants of the City of Richmond, (vii) Virginia Marine Police
7618 officers, (viii) conservation police officers who are full-time sworn members of the enforcement division
7619 of the Department of Game and Inland Fisheries, (ix) Capitol Police officers, (x) special agents of the
7620 Department of Alcoholic Beverage Control appointed under the provisions of Chapter 1 (§ 4.1-100 et

7621 seq.) of Title 4.1, (xi) for such period that the Metropolitan Washington Airports Authority voluntarily
7622 subjects itself to the provisions of this chapter as provided in § 65.2-305, officers of the police force
7623 established and maintained by the Metropolitan Washington Airports Authority, (xii) officers of the
7624 police force established and maintained by the Norfolk Airport Authority, (xiii) sworn officers of the
7625 police force established and maintained by the Virginia Port Authority, and (xiv) campus police officers
7626 appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 and employed by any public institution of
7627 higher education shall be presumed to be occupational diseases, suffered in the line of duty, that are
7628 covered by this title unless such presumption is overcome by a preponderance of competent evidence to
7629 the contrary.

7630 C. Leukemia or pancreatic, prostate, rectal, throat, ovarian or breast cancer causing the death of,
7631 or any health condition or impairment resulting in total or partial disability of, any volunteer or salaried
7632 firefighter, Department of Emergency Management hazardous materials officer, commercial vehicle
7633 enforcement officer or motor carrier safety trooper employed by the Department of State Police, or full-
7634 time sworn member of the enforcement division of the Department of Motor Vehicles having completed
7635 ~~twelve~~ 12 years of continuous service who has a contact with a toxic substance encountered in the line
7636 of duty shall be presumed to be an occupational disease, suffered in the line of duty, that is covered by
7637 this title, unless such presumption is overcome by a preponderance of competent evidence to the
7638 contrary. For the purposes of this section, a "toxic substance" is one which is a known or suspected
7639 carcinogen, as defined by the International Agency for Research on Cancer, and which causes, or is
7640 suspected to cause, leukemia or pancreatic, prostate, rectal, throat, ovarian or breast cancer.

7641 D. The presumptions described in subsections A, B, and C shall only apply if persons entitled to
7642 invoke them have, if requested by the private employer, appointing authority or governing body
7643 employing them, undergone preemployment physical examinations that (i) were conducted prior to the
7644 making of any claims under this title that rely on such presumptions, (ii) were performed by physicians
7645 whose qualifications are as prescribed by the private employer, appointing authority or governing body
7646 employing such persons, (iii) included such appropriate laboratory and other diagnostic studies as the
7647 private employer, appointing authorities or governing bodies may have prescribed, and (iv) found such

7648 persons free of respiratory diseases, hypertension, cancer or heart disease at the time of such
7649 examinations.

7650 E. Persons making claims under this title who rely on such presumptions shall, upon the request
7651 of private employers, appointing authorities or governing bodies employing such persons, submit to
7652 physical examinations (i) conducted by physicians selected by such employers, authorities, bodies or
7653 their representatives and (ii) consisting of such tests and studies as may reasonably be required by such
7654 physicians. However, a qualified physician, selected and compensated by the claimant, may, at the
7655 election of such claimant, be present at such examination.

7656 F. Whenever a claim for death benefits is made under this title and the presumptions of this
7657 section are invoked, any person entitled to make such claim shall, upon the request of the appropriate
7658 private employer, appointing authority or governing body that had employed the deceased, submit the
7659 body of the deceased to a postmortem examination as may be directed by the Commission. A qualified
7660 physician, selected and compensated by the person entitled to make the claim, may, at the election of
7661 such claimant, be present at such postmortem examination.

7662 G. Volunteer ~~lifesaving and rescue squad members~~ emergency medical services personnel,
7663 volunteer law-enforcement chaplains, auxiliary and reserve deputy sheriffs, and auxiliary and reserve
7664 police are not included within the coverage of this section.

7665 H. For purposes of this section, ~~the term "firefighter" shall include~~ includes special forest
7666 wardens designated pursuant to § 10.1-1135 and any persons who are employed by or contract with
7667 private employers primarily to perform firefighting services.

7668 **§ 65.2-402.1. Presumption as to death or disability from infectious disease.**

7669 A. Hepatitis, meningococcal meningitis, tuberculosis or HIV causing the death of, or any health
7670 condition or impairment resulting in total or partial disability of, any (i) salaried or volunteer firefighter,
7671 ~~paramedic~~ or salaried or volunteer emergency medical ~~technician~~ services personnel, (ii) member of the
7672 State Police Officers' Retirement System, (iii) member of county, city, or town police departments, (iv)
7673 sheriff or deputy sheriff, (v) Department of Emergency Management hazardous materials officer, (vi)
7674 city sergeant or deputy city sergeant of the City of Richmond, (vii) Virginia Marine Police officer, (viii)

7675 conservation police officer who is a full-time sworn member of the enforcement division of the
7676 Department of Game and Inland Fisheries, (ix) Capitol Police officer, (x) special agent of the
7677 Department of Alcoholic Beverage Control appointed under the provisions of Chapter 1 (§ 4.1-100 et
7678 seq.) of Title 4.1, (xi) for such period that the Metropolitan Washington Airports Authority voluntarily
7679 subjects itself to the provisions of this chapter as provided in § 65.2-305, officer of the police force
7680 established and maintained by the Metropolitan Washington Airports Authority, (xii) officer of the
7681 police force established and maintained by the Norfolk Airport Authority, (xiii) conservation officer of
7682 the Department of Conservation and Recreation commissioned pursuant to § 10.1-115, (xiv) sworn
7683 officer of the police force established and maintained by the Virginia Port Authority, or (xv) any campus
7684 police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 and employed by any public
7685 institution of higher education, who has a documented occupational exposure to blood or body fluids
7686 shall be presumed to be occupational diseases, suffered in the line of government duty, that are covered
7687 by this title unless such presumption is overcome by a preponderance of competent evidence to the
7688 contrary. For purposes of this section, an occupational exposure occurring on or after July 1, 2002, shall
7689 be deemed "documented" if the person covered under this section gave notice, written or otherwise, of
7690 the occupational exposure to his employer, and an occupational exposure occurring prior to July 1, 2002,
7691 shall be deemed "documented" without regard to whether the person gave notice, written or otherwise,
7692 of the occupational exposure to his employer.

7693 B. As used in this section:

7694 "Blood or body fluids" means blood and body fluids containing visible blood and other body
7695 fluids to which universal precautions for prevention of occupational transmission of blood-borne
7696 pathogens, as established by the Centers for Disease Control, apply. For purposes of potential
7697 transmission of hepatitis, meningococcal meningitis, tuberculosis, or HIV the term "blood or body
7698 fluids" includes respiratory, salivary, and sinus fluids, including droplets, sputum, saliva, mucous, and
7699 any other fluid through which infectious airborne or blood-borne organisms can be transmitted between
7700 persons.

7701 "Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A, hepatitis non-B, hepatitis C or any
7702 other strain of hepatitis generally recognized by the medical community.

7703 "HIV" means the medically recognized retrovirus known as human immunodeficiency virus,
7704 type I or type II, causing immunodeficiency syndrome.

7705 "Occupational exposure," in the case of hepatitis, meningococcal meningitis, tuberculosis or
7706 HIV, means an exposure that occurs during the performance of job duties that places a covered
7707 employee at risk of infection.

7708 C. Persons covered under this section who test positive for exposure to the enumerated
7709 occupational diseases, but have not yet incurred the requisite total or partial disability, shall otherwise be
7710 entitled to make a claim for medical benefits pursuant to § 65.2-603, including entitlement to an annual
7711 medical examination to measure the progress of the condition, if any, and any other medical treatment,
7712 prophylactic or otherwise.

7713 D. Whenever any standard, medically-recognized vaccine or other form of immunization or
7714 prophylaxis exists for the prevention of a communicable disease for which a presumption is established
7715 under this section, if medically indicated by the given circumstances pursuant to immunization policies
7716 established by the Advisory Committee on Immunization Practices of the United States Public Health
7717 Service, a person subject to the provisions of this section may be required by such person's employer to
7718 undergo the immunization or prophylaxis unless the person's physician determines in writing that the
7719 immunization or prophylaxis would pose a significant risk to the person's health. Absent such written
7720 declaration, failure or refusal by a person subject to the provisions of this section to undergo such
7721 immunization or prophylaxis shall disqualify the person from any presumption established by this
7722 section.

7723 E. The presumptions described in subsection A shall only apply if persons entitled to invoke
7724 them have, if requested by the appointing authority or governing body employing them, undergone
7725 preemployment physical examinations that (i) were conducted prior to the making of any claims under
7726 this title that rely on such presumptions, (ii) were performed by physicians whose qualifications are as
7727 prescribed by the appointing authority or governing body employing such persons, (iii) included such

7728 appropriate laboratory and other diagnostic studies as the appointing authorities or governing bodies
7729 may have prescribed, and (iv) found such persons free of hepatitis, meningococcal meningitis,
7730 tuberculosis or HIV at the time of such examinations. The presumptions described in subsection A shall
7731 not be effective until six months following such examinations, unless such persons entitled to invoke
7732 such presumption can demonstrate a documented exposure during the six-month period.

7733 F. Persons making claims under this title who rely on such presumption shall, upon the request of
7734 appointing authorities or governing bodies employing such persons, submit to physical examinations (i)
7735 conducted by physicians selected by such appointing authorities or governing bodies or their
7736 representatives and (ii) consisting of such tests and studies as may reasonably be required by such
7737 physicians. However, a qualified physician, selected and compensated by the claimant, may, at the
7738 election of such claimant, be present at such examination.

7739 **§ 66-25.1. Work programs.**

7740 A. The Director or his designee may enter into an agreement with a public or private entity for
7741 the operation of a work program for juveniles committed to the Department.

7742 B. The primary purpose of such work program shall be the training of such juveniles, not the
7743 production of goods or the rendering of service by juveniles committed to the Department. Such work
7744 programs also shall not interfere with or impact a juvenile's education program where the goal is
7745 achieving a high school diploma or its equivalent. The Board shall promulgate regulations governing the
7746 form and review process for proposed agreements.

7747 C. Articles produced or manufactured and services provided by juveniles participating in such a
7748 work program may be purchased by any county, by any district of any county, city, or town and by any
7749 nonprofit organization, including volunteer ~~lifesaving or first aid crews, rescue squads~~ emergency
7750 medical services agencies, fire departments, sheltered workshops and community service organizations.
7751 Such articles and services may also be bought, sold or acquired by exchange on the open market through
7752 the participating public or private entity.

7753 D. Revenues received from the sale of articles, as provided in subsection C, shall be deposited
7754 into a special fund established in the state treasury. Such funds shall be expended to support work
7755 programs for juveniles committed to the Department.

7756 **2. That §§ 27-8.1, 27-19, 27-23.6, 32.1-111.10, and 32.1-111.11 of the Code of Virginia are repealed.**

7757 #