

2002 SESSION

INTRODUCED

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HOUSE BILL NO. 585

Offered January 9, 2002

Prefiled January 8, 2002

A BILL to amend the Code of Virginia by adding a section numbered 55-509.3, relating to the Virginia Property Owner's Association Act; flag display.

Patrons—Ingram, Janis and Lingamfelter

Referred to Committee on General Laws

Whereas, for more than 200 years, the flag of the United States has symbolized our nation; and
Whereas, on June 14, 1777, the Continental Congress resolved that the flag represents the United States and its ideals of liberty and justice for all its citizens; and

Whereas, the flag served to unite the thirteen colonies and obtain recognition of America's national sovereignty; and

Whereas, during the British attack on Fort McHenry in the War of 1812, the flag inspired Francis Scott Key to compose the song that became our national anthem; and

Whereas, at the end of the War Between the States, the American flag again stood for the indestructible union of the United States; and

Whereas, during the First World War, thousands of Americans died on foreign soil fighting for the American cause symbolized by the flag; and

Whereas, during the Second World War, thousands of Americans again followed the flag into battle, where many lost their lives in an effort to preserve freedom; and

Whereas, the flag served to boost the morale of American soldiers in the Korean and Vietnam conflicts, as they fought to preserve democracy; and

Whereas, Americans of every state, political party, race, creed, and national origin regard the flag as the unifying symbol of the pluralism evident in the United States; and

Whereas, the General Assembly has recognized the unique status the American flag holds in the eyes of the United States citizens by prohibiting the desecration of the flag pursuant to the Virginia Uniform Flag Act (§ 18.2-486 et seq.); and

Whereas, 36 U.S.C. 170 et seq. codifies existing rules and customs pertaining to the display and use of the American flag by civilians or civilian groups or organizations; and

Whereas, these rules include the time and occasions, position and manner of display; and

Whereas, the proper display of the American flag by an individual on property owned by such individual is an appropriate display of patriotism that should not be unduly restricted or impeded; therefore,

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 55-509.3, as follows:

§ 55-509.3. Certain provisions of declarations, bylaws and rules void.

Any provision of a declaration and any related interest or any bylaw or any rule enacted by a board of directors, purporting to restrict or impede the display of the American flag by a lot owner in a manner consistent with the guidelines established by the Federal Flag Code (36 U.S.C. §§ 170 et seq.) on his lot shall be deemed as void and unenforceable as against public policy.

The provisions of this section shall not apply to any declaration recorded or any bylaw or rule enacted prior to July 1, 2002

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