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**HOUSE BILL NO. 2673**

Offered January 12, 2005

Prefiled January 12, 2005

A *BILL to amend and reenact §§ 2.2-4343.1, 4.1-207, 4.1-222, 4.1-309, 8.01-220.1:3, 8.01-225.1, 8.01-327.2, 8.01-581.1, 9.1-914, 15.2-820, 15.2-4901, 15.2-4902, 16.1-228, 18.2-207, 18.2-280, 18.2-282, 18.2-308.1, 18.2-369, 18.2-371.1, 18.2-423.1, 19.2-389, 20-23, 20-26, 22.1-7, 22.1-180, 22.1-212.5, 22.1-212.8 as they are currently effective and as they shall become effective, 22.1-216, 22.1-218, 22.1-220, 22.1-271.1, 22.1-291.3, 22.1-296.3, 23-30.41, 32.1-128, 32.1-162.2, 32.1-276.3 as it is currently effective, 36-96.2, 38.2-2115, 38.2-2213, 46.2-100, 46.2-917, 46.2-918, 54.1-3482, 54.1-3501, 54.1-3601, 54.1-3701, 56-236.1, and 63.2-100 of the Code of Virginia as it is currently effective and as it may become effective, and to amend the Code of Virginia by adding sections numbered 1-13.3:2 and 1-13.12:1, relating to religious nomenclature.*

Patrons—Scott, J.M.; Senator: Mims

Referred to Committee on General Laws

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

That §§ 2.2-4343.1, 4.1-207, 4.1-222, 4.1-309, 8.01-220.1:3, 8.01-225.1, 8.01-327.2, 8.01-581.1, 9.1-914, 15.2-820, 15.2-4901, 15.2-4902, 16.1-228, 18.2-207, 18.2-280, 18.2-282, 18.2-308.1, 18.2-369, 18.2-371.1, 18.2-423.1, 19.2-389, 20-23, 20-26, 22.1-7, 22.1-180, 22.1-212.5, 22.1-212.8 as they are currently effective and as they shall become effective, 22.1-216, 22.1-218, 22.1-220, 22.1-271.1, 22.1-291.3, 22.1-296.3, 23-30.41, 32.1-128, 32.1-162.2, 32.1-276.3 as it is currently effective, 36-96.2, 38.2-2115, 38.2-2213, 46.2-100, 46.2-917, 46.2-918, 54.1-3482, 54.1-3501, 54.1-3601, 54.1-3701, 56-236.1, and 63.2-100 of the Code of Virginia as it is currently effective and as it may become effective are amended and reenacted, and that the Code of Virginia is amended by adding sections numbered 1-13.3:2 and 1-13.12:1 as follows:

§ 1-13.3:2. *Church; definition.*

*Depending upon the context in which it is used, "church" means (a) a religious entity having a distinctive body of theological tenets, beliefs, and practices; (b) a congregation adhering to a distinctive body of theological tenets, beliefs, and practices; or (c) a building in which a congregation regularly gathers for public worship including, but not limited to, a cathedral, chapel, meeting-house, mosque, synagogue or temple.*

§ 1-13.12:1. *Minister; definition*

*"Minister" means an individual ordained, selected, or elected in accordance with the ritual, practice, or governing document of a church, as defined in § 1-13.3:2, to exercise religious authority or officiate in the leadership or clerical functions of the church. The term includes, but is not limited to, a bishop, imam, minister of the gospel, pastor, priest or rabbi.*

§ 2.2-4343.1. Permitted contracts with certain religious organizations; purpose; limitations.

A. It is the intent of the General Assembly, in accordance with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, to authorize public bodies to enter into contracts with faith-based organizations for the purposes described in this section on the same basis as any other nongovernmental source without impairing the religious character of such organization, and without diminishing the religious freedom of the beneficiaries of assistance provided under this section.

B. For the purposes of this section, "faith-based organization" means a religious organization that is or applies to be a contractor to provide goods or services for programs funded by the block grant provided pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193.

C. Public bodies, in procuring goods or services, or in making disbursements pursuant to this section, shall not (i) discriminate against a faith-based organization on the basis of the organization's religious character or (ii) impose conditions that (a) restrict the religious character of the faith-based organization, except as provided in subsection F, or (b) impair, diminish, or discourage the exercise of religious freedom by the recipients of such goods, services, or disbursements.

D. Public bodies shall ensure that all invitations to bid, requests for proposals, contracts, and purchase orders prominently display a nondiscrimination statement indicating that the public body does not discriminate against faith-based organizations.

E. A faith-based organization contracting with a public body (i) shall not discriminate against any recipient of goods, services, or disbursements made pursuant to a contract authorized by this section on the basis of the recipient's religion, religious belief, refusal to participate in a religious practice, or on

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HB2673

59 the basis of race, age, color, gender or national origin and (ii) shall be subject to the same rules as other  
60 organizations that contract with public bodies to account for the use of the funds provided; however, if  
61 the faith-based organization segregates public funds into separate accounts, only the accounts and  
62 programs funded with public funds shall be subject to audit by the public body. Nothing in clause (ii)  
63 shall be construed to ~~supercede~~<sup>supersede</sup> or otherwise override any other applicable state law.

64 F. Consistent with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996,  
65 P.L. 104-193, funds provided for expenditure pursuant to contracts with public bodies shall not be spent  
66 for ~~sectarian~~ religious worship, instruction, or proselytizing; however, this prohibition shall not apply to  
67 expenditures pursuant to contracts, if any, for the services of chaplains.

68 G. Nothing in this section shall be construed as barring or prohibiting a faith-based organization from  
69 any opportunity to make a bid or proposal or contract on the grounds that the faith-based organization  
70 has exercised the right, as expressed in 42 U.S.C. (§ 2000e-1 et seq.), to employ persons of a particular  
71 religion.

72 H. If an individual, who applies for or receives goods, services, or disbursements provided pursuant  
73 to a contract between a public body and a faith-based organization, objects to the religious character of  
74 the faith-based organization from which the individual receives or would receive the goods, services, or  
75 disbursements, the public body shall offer the individual, within a reasonable period of time after the  
76 date of his objection, access to equivalent goods, services, or disbursements from an alternative provider.

77 The public body shall provide to each individual who applies for or receives goods, services, or  
78 disbursements provided pursuant to a contract between a public body and a faith-based organization a  
79 notice in bold face type that states: "Neither the public body's selection of a charitable or faith-based  
80 provider of services nor the expenditure of funds under this contract is an endorsement of the provider's  
81 charitable or religious character, practices, or expression. No provider of services may discriminate  
82 against you on the basis of religion, a religious belief, or your refusal to actively participate in a  
83 religious practice. If you object to a particular provider because of its religious character, you may  
84 request assignment to a different provider. If you believe that your rights have been violated, please  
85 discuss the complaint with your provider or notify the appropriate person as indicated in this form."

86 § 4.1-207. Wine licenses.

87 The Board may grant the following licenses relating to wine:

88 1. Winery licenses, which shall authorize the licensee to manufacture wine and to sell and deliver or  
89 ship the wine, in accordance with Board regulations, in closed containers, to persons licensed to sell the  
90 wine so manufactured at wholesale for the purpose of resale, and to persons outside the Commonwealth  
91 for resale outside the Commonwealth. In addition, such license shall authorize the licensee to (i) operate  
92 distilling equipment on the premises of the licensee in the manufacture of spirits from fruit or fruit  
93 juices only, which shall be used only for the fortification of wine produced by the licensee; and (ii)  
94 store wine in bonded warehouses on or off the licensed premises upon permit issued by the Board.

95 2. Wholesale wine licenses, which shall authorize the licensee to acquire and receive deliveries and  
96 shipments of wine and to sell and deliver or ship the wine, in accordance with Board regulations, in  
97 closed containers, to (i) persons licensed to sell such wine in the Commonwealth, (ii) persons outside  
98 the Commonwealth for resale outside the Commonwealth, (iii) ~~religious congregations~~ churches for use  
99 only for ~~sacramental~~ religious purposes, and (iv) owners of boats registered under the laws of the United  
100 States sailing for ports of call of a foreign country or another state.

101 No wholesale wine licensee shall purchase wine for resale from a person outside the Commonwealth  
102 who does not hold a wine importer's license unless such wholesale wine licensee holds a wine importer's  
103 license and purchases wine for resale pursuant to the privileges of such wine importer's license.

104 3. Wine importers' licenses, which shall authorize persons located within or outside the  
105 Commonwealth to sell and deliver or ship wine, in accordance with Board regulations, in closed  
106 containers, to persons in the Commonwealth licensed to sell wine at wholesale for the purpose of resale,  
107 and to persons outside the Commonwealth for resale outside the Commonwealth.

108 4. Retail off-premises winery licenses to persons holding winery licenses, which shall authorize the  
109 licensee to sell wine at the place of business designated in the winery license, in closed containers, for  
110 off-premises consumption and to deliver the wine to the purchasers in accordance with Board  
111 regulations. All such deliveries of wine shall be performed by the owner or any agent, officer, director,  
112 shareholder or employee of the licensee.

113 5. Farm winery licenses, which shall authorize the licensee to manufacture wine containing 18  
114 percent or less of alcohol by volume and to sell, deliver or ship the wine, in accordance with Board  
115 regulations, in closed containers, to (i) the Board; (ii) persons licensed to sell the wine so manufactured  
116 at wholesale or retail for the purpose of resale, § 4.1-326 notwithstanding; or (iii) persons outside the  
117 Commonwealth. In addition, the licensee may (a) acquire and receive deliveries and shipments of wine  
118 manufactured by the licensee and to sell and deliver or ship this wine, in accordance with Board  
119 regulations, to persons licensed to sell wine in the Commonwealth, § 4.1-326 notwithstanding and (b)  
120 store wine in bonded warehouses located on or off the licensed premises upon permits issued by the

Board. For the purposes of this title, a farm winery license shall be designated either as a Class A or Class B farm winery license in accordance with the limitations set forth in § 4.1-219.

Such licenses shall also authorize the licensee to sell wine at retail at the places of business designated in the licenses, which may include no more than five additional retail establishments of the licensee. Wine may be sold at these business places for on-premises consumption and in closed containers for off-premises consumption, including delivery of such wine to purchasers in accordance with Board regulations. All such deliveries of wine shall be performed by the owner or any agent, officer, director, shareholder or employee of the licensee.

§ 4.1-222. Conditions under which Board may refuse to grant licenses.

A. The Board may refuse to grant any license if it has reasonable cause to believe that:

1. The applicant, or if the applicant is a partnership or association, any partner or member thereof, or if the applicant is a corporation, any officer, director, or manager thereof or shareholder owning ten 10 percent or more of its capital stock:

a. Is not ~~twenty-one~~ 21 years of age or older;

b. Has been convicted in any court of a felony or any crime or offense involving moral turpitude under the laws of any state, or of the United States;

c. Has been convicted, within the five years immediately preceding the date of the application for such license, of a violation of any law applicable to the manufacture, transportation, possession, use or sale of alcoholic beverages;

d. Is not a person of good moral character and repute;

e. Is not the legitimate owner of the business proposed to be licensed, or other persons have ownership interests in the business which have not been disclosed;

f. Has not demonstrated financial responsibility sufficient to meet the requirements of the business proposed to be licensed;

g. Has maintained a noisy, lewd, disorderly or unsanitary establishment;

h. Has demonstrated, either by his police record or by his record as a former licensee of the Board, a lack of respect for law and order;

i. Is unable to speak, understand, read and write the English language in a reasonably satisfactory manner;

j. Is a person to whom alcoholic beverages may not be sold under § 4.1-304;

k. Has the general reputation of drinking alcoholic beverages to excess or is addicted to the use of narcotics;

l. Has misrepresented a material fact in applying to the Board for a license;

m. Has defrauded or attempted to defraud the Board, or any federal, state or local government or governmental agency or authority, by making or filing any report, document or tax return required by statute or regulation which is fraudulent or contains a false representation of a material fact; or has willfully deceived or attempted to deceive the Board, or any federal, state or local government, or governmental agency or authority, by making or maintaining business records required by statute or regulation which are false and fraudulent;

n. Is violating or allowing the violation of any provision of this title in his establishment at the time his application for a license is pending;

o. Is a police officer with police authority in the political subdivision within which the establishment designated in the application is located;

p. Is physically unable to carry on the business for which the application for a license is filed or has been adjudicated incapacitated; or

q. Is a member, agent or employee of the Board.

2. The place to be occupied by the applicant:

a. Does not conform to the requirements of the governing body of the county, city or town in which such place is located with respect to sanitation, health, construction or equipment, or to any similar requirements established by the laws of the Commonwealth or by Board regulation;

b. Is so located that granting a license and operation thereunder by the applicant would result in violations of this title, Board regulations, or violation of the laws of the Commonwealth or local ordinances relating to peace and good order;

c. Is so located with respect to any church; ~~synagogue~~; hospital; public, private or ~~parochial~~ religious school, college or university; public or private playground or other similar recreational facilities; or any state, local or federal government-operated facility, that the operation of such place under such license will adversely affect or interfere with the normal, orderly conduct of the affairs of such facilities or institutions;

d. Is so located with respect to any residence or residential area that the operation of such place under such license will adversely affect real property values or substantially interfere with the usual quietude and tranquillity of such residence or residential area; or

e. Under a retail on-premises license is so constructed, arranged or illuminated that law-enforcement officers and special agents of the Board are prevented from ready access to and reasonable observation of any room or area within which alcoholic beverages are to be sold or consumed.

3. The number of licenses existent in the locality is such that the granting of a license is detrimental to the interest, morals, safety or welfare of the public. In reaching such conclusion the Board shall consider the (i) character of, population of, the number of similar licenses and the number of all licenses existent in the particular county, city or town and the immediate neighborhood concerned; (ii) effect which a new license may have on such county, city, town or neighborhood in conforming with the purposes of this title; and (iii) objections, if any, which may have been filed by a local governing body or local residents.

4. There exists any law, ordinance, or regulation of the United States, the Commonwealth or any political subdivision thereof, which warrants refusal by the Board to grant any license.

5. The Board is not authorized under this chapter to grant such license.

B. The Board may refuse to grant any retail wine and beer license, retail beer license or retail wine or winery license to any person who has not resided in the Commonwealth for at least one year immediately preceding application therefor, or to any corporation a majority of the stock of which is owned by persons who have not resided in the Commonwealth for at least one year immediately preceding application therefor, unless refusal to grant the license would in the opinion of the Board substantially impair the transferability of the real property upon which the licensed establishment would be located.

§ 4.1-309. Drinking or possessing alcoholic beverages in or on public school grounds; penalty.

A. No person shall possess or drink any alcoholic beverage in or upon the grounds of any public elementary or secondary school during school hours or school or student activities.

B. In addition, no person shall drink and no organization shall serve any alcoholic beverage in or upon the grounds of any public elementary or secondary school after school hours or school or student activities, except for ~~religious congregations~~ churches using wine for ~~sacramental~~ religious purposes only.

C. Any person convicted of a violation of this section shall be guilty of a Class 2 misdemeanor.

D. This section shall not prohibit any person from possessing or drinking alcoholic beverages or any organization from serving alcoholic beverages in areas approved by the Board at a performing arts center owned by any city having a population between 100,000 and 105,000, provided the organization operating the performing arts center or its lessee has a license granted by the Board.

§ 8.01-220.1:3. Immunity for members of church.

No member of any church, ~~synagogue or religious body~~ shall be liable in tort or contract for the actions of any officer, employee, leader, or other member of such church, ~~synagogue or religious body~~ solely because of his membership in such church, ~~synagogue or religious body~~. Nothing in this section shall prevent any person from being held liable for his own actions.

§ 8.01-225.1. Immunity for team physicians.

Any physician, surgeon or chiropractor licensed to practice by the Board of Medicine in this Commonwealth who, in the absence of gross negligence or willful misconduct, renders emergency medical care or emergency treatment to a participant in an athletic event sponsored by a public, private or ~~parochial~~ religious elementary, middle or high school while acting without compensation as a team physician, shall not be liable for civil damages resulting from any act or omission related to such care or treatment.

§ 8.01-327.2. Who are privileged from arrest under civil process.

In addition to the exemptions made by §§ 30-4, 30-6, 30-7, 30-8, 19.2-280, and 44-97, the following persons shall not be arrested, apprehended, or detained under any civil process during the times respectively herein set forth, but shall not otherwise be privileged from service of civil process by this section:

1. The President of the United States, and the Governor of the Commonwealth at all times during their terms of office;

2. The Lieutenant Governor of the Commonwealth during attendance at sessions of the General Assembly and while going to and from such sessions;

3. Members of either house of the Congress of the United States during the session of Congress and for ~~fifteen~~ 15 days next before the beginning and after the ending of any session, and during any time that they are serving on any committee or performing any other service under an order or request of either house of Congress;

4. A judge, grand juror or witness, required by lawful authority to attend any court or place, during such attendance and while going to and from such court or place;

5. Members of the national guard or naval militia while going to, attending at, or returning from, any muster or court-martial;

6. Ministers of the gospel while engaged in performing religious services in a place where a

congregation is assembled and while going to and returning from such place; and

7. Voters going to, attending at, or returning from an election. Such privilege shall only be on the days of such attendance.

§ 8.01-581.1. Definitions.

As used in this chapter:

"Health care" means any act, or treatment performed or furnished, or which should have been performed or furnished, by any health care provider for, to, or on behalf of a patient during the patient's medical diagnosis, care, treatment or confinement.

"Health care provider" means (i) a person, corporation, facility or institution licensed by this Commonwealth to provide health care or professional services as a physician or hospital, dentist, pharmacist, registered nurse or licensed practical nurse, optometrist, podiatrist, chiropractor, physical therapist, physical therapy assistant, clinical psychologist, clinical social worker, professional counselor, licensed dental hygienist, health maintenance organization, or emergency medical care attendant or technician who provides services on a fee basis;; (ii) a professional corporation, all of whose shareholders or members are so licensed;; (iii) a partnership, all of whose partners are so licensed;; (iv) a nursing home as defined in § 54.1-3100 except those nursing institutions conducted by and for those who rely upon treatment by spiritual means alone through prayer in accordance with *the tenets and practices of a recognized church or religious denomination*;; (v) a professional limited liability company comprised of members as described in subdivision A 2 of § 13.1-1102;; (vi) a corporation, partnership, limited liability company or any other entity, except a state-operated facility, which employs or engages a licensed health care provider and which primarily renders health care services;; or (vii) a director, officer, employee, independent contractor, or agent of the persons or entities referenced herein, acting within the course and scope of his employment or engagement as related to health care or professional services.

"Health maintenance organization" means any person licensed pursuant to Chapter 43 (§ 38.2-4300 et seq.) of Title 38.2 who undertakes to provide or arrange for one or more health care plans.

"Hospital" means a public or private institution licensed pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 or Chapter 8 (§ 37.1-179 et seq.) of Title 37.1.

"Impartial attorney" means an attorney who has not represented (i) the claimant, his family, his partners, co-proprietors or his other business interests; or (ii) the health care provider, his family, his partners, co-proprietors or his other business interests.

"Impartial health care provider" means a health care provider who (i) has not examined, treated or been consulted regarding the claimant or his family; (ii) does not anticipate examining, treating, or being consulted regarding the claimant or his family; or (iii) has not been an employee, partner or co-proprietor of the health care provider against whom the claim is asserted.

"Malpractice" means any tort based on health care or professional services rendered, or which should have been rendered, by a health care provider, to a patient.

"Patient" means any natural person who receives or should have received health care from a licensed health care provider except those persons who are given health care in an emergency situation which exempts the health care provider from liability for his emergency services in accordance with § 8.01-225.

"Physician" means a person licensed to practice medicine or osteopathy in this Commonwealth pursuant to Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1.

§ 9.1-914. Automatic notification of registration to certain entities.

Any school, day-care service and child-minding service, and any state-regulated or state-licensed child day center, child day program, children's residential facility, family day home or foster home as defined in § 63.2-100 may request from the State Police and, upon compliance with the requirements therefor established by the State Police, shall be eligible to receive from the State Police electronic notice of the registration or reregistration of any sex offender. Entities that request and are entitled to this notification, and that do not have the capability of receiving such electronic notice, may register with the State Police to receive written notification of sex offender registration or reregistration.

Within three business days of receipt by the State Police of registration or reregistration, the State Police shall electronically or in writing notify an entity that has requested such notification, has complied with the requirements established by the State Police and is located in the same or a contiguous zip code area as the address of the offender as shown on the registration.

The State Police shall establish reasonable guidelines governing the automatic dissemination of Registry information, which may include the payment of a fee, whether a one-time fee or a regular assessment, to maintain the electronic access. The fee, if any, shall defray the costs of establishing and maintaining the electronic notification system and notice by mail.

For the purposes of this section, "day-care service" means provision of supplementary care and protection during a part of the day for the minor child of another; "child-minding service" means

305 provision of temporary custodial care or supervisory services for the minor child of another; and  
306 "school" means any public, ~~parochial, denominational~~ *religious* or private educational institution,  
307 including any preschool, elementary school, secondary school, post-secondary school, trade or  
308 professional institution, or institution of higher education.

309 § 15.2-820. Donations to legal entities owning recreational facilities.

310 A county is authorized to make annual appropriations of public funds to any nonprofit legal entity  
311 that is not controlled in whole or in part by any church, ~~sectarian society or group~~ *or religious body* that  
312 has exclusionary membership practices or rules that owns recreational facilities in the county such as,  
313 but not limited to, swimming pools, tennis courts, etc., in an amount not to exceed the amount of real  
314 estate taxes that is owed on the recreational facilities owned by the legal entity receiving the  
315 appropriations.

316 The provisions of § 15.2-953 are not affected by this section.

317 § 15.2-4901. Purpose of chapter.

318 It is the intent of the legislature by the passage of this chapter to authorize the creation of industrial  
319 development authorities by the localities in this Commonwealth so that such authorities may acquire,  
320 own, lease, and dispose of properties and make loans to the end that such authorities may be able to  
321 promote industry and develop trade by inducing manufacturing, industrial, governmental, nonprofit and  
322 commercial enterprises and institutions of higher education to locate in or remain in this Commonwealth  
323 and further the use of its agricultural products and natural resources, and to vest such authorities with all  
324 powers that may be necessary to enable them to accomplish such purposes, which powers shall be  
325 exercised for the benefit of the inhabitants of the Commonwealth, either through the increase of their  
326 commerce, or through the promotion of their safety, health, welfare, convenience or prosperity. Such  
327 authority shall not itself be authorized to operate any such manufacturing, industrial, nonprofit or  
328 commercial enterprise or any facility of an institution of higher education.

329 It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to  
330 industrial development authorities the powers contained herein with respect to pollution control facilities  
331 to the end that such authorities may protect and promote the health of the inhabitants of the  
332 Commonwealth and the conservation, protection and improvement of its natural resources by exercising  
333 such powers for the control or abatement of land, sewer, water, air, noise and general environmental  
334 pollution derived from the operation of any industrial or medical facility and to vest such authorities  
335 with all powers that may be necessary to enable them to accomplish such purpose, which powers shall  
336 be exercised for the benefit of the inhabitants of the Commonwealth, either through the increase of their  
337 commerce, or through the promotion of their safety, health, welfare, convenience or prosperity.

338 It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to  
339 industrial development authorities the powers contained herein with respect to medical facilities and  
340 facilities for the residence or care of the aged to the end that such authorities may protect and promote  
341 the health and welfare of the inhabitants of the Commonwealth by assisting in the acquisition,  
342 construction, equipping, expansion, enlargement and improvement of medical facilities and facilities for  
343 the residence or care of the aged in order to provide modern and efficient medical services to the  
344 inhabitants of the Commonwealth and care of the aged of the Commonwealth in accordance with their  
345 special needs and also by assisting in the refinancing of medical facilities and facilities for the residence  
346 or care of the aged owned and operated by organizations which are exempt from taxation pursuant to  
347 § 501 (c) (3) of the Internal Revenue Code of 1954, as amended, in order to reduce the costs to  
348 residents of the Commonwealth of utilizing such facilities and to vest such authorities with all powers  
349 that may be necessary to enable them to accomplish such purposes, which powers shall be exercised for  
350 the benefit of the inhabitants of the Commonwealth and for the promotion of their health and welfare. It  
351 is not intended hereby that any such authority shall itself be authorized to operate any such medical  
352 facility or facility for the residence or care of the aged.

353 It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to  
354 industrial development authorities the powers contained herein with respect to facilities for use by  
355 organizations (other than institutions organized and operated exclusively for religious or educational  
356 purposes) which are described in § 501 (c) (3) of the Internal Revenue Code of 1954, as amended, and  
357 which are exempt from federal income taxation pursuant to § 501 (a) of the Internal Revenue Code of  
358 1954, as amended, to the end that such authorities may protect or promote the safety, health, welfare,  
359 convenience, and prosperity of the inhabitants of the Commonwealth by assisting in the acquisition,  
360 construction, equipping, expansion, enlargement, improvement, financing, and refinancing of such  
361 facilities of the aforesaid entities and organizations in order to provide operations, recreational, activity  
362 centers, and other facilities for the use of the inhabitants of the Commonwealth and to vest such  
363 authorities with all powers that may be necessary to enable them to accomplish such purposes, which  
364 powers shall be exercised for the benefit of the inhabitants of the Commonwealth and for the promotion  
365 of their safety, health, welfare, convenience or prosperity. It is not intended hereby that any such  
366 authority shall itself be authorized to operate any such facility.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to facilities for private, accredited and nonprofit institutions of collegiate education in the Commonwealth whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education to the end that such authorities may protect and promote the health and welfare of the inhabitants of the Commonwealth by assisting in the acquisition, construction, equipping, expansion, enlargement, and improvement of facilities of aforesaid institutions in order to provide improved educational facilities for the use of the inhabitants of the Commonwealth and to vest such authorities with all powers that may be necessary to enable them to accomplish such purposes, which powers shall be exercised for the benefit of the inhabitants of the Commonwealth and for the promotion of their health, welfare, convenience or prosperity. It is not intended hereby that any such authority shall itself be authorized to operate any such educational facility.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant industrial development authorities the powers contained herein with respect to facilities for a locality, the Commonwealth and its agencies, and governmental and nonprofit organizations and to vest such authorities with all powers that may be necessary to enable them to accomplish such purposes, which powers shall be exercised for the benefit of the inhabitants of the Commonwealth and for the promotion of their health, welfare, convenience or prosperity.

It is further the intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to facilities for museums and historical education, demonstration and interpretation, together with any and all buildings, structures or other facilities necessary or desirable in connection with the foregoing, for use by nonprofit organizations in order to promote tourism and economic development in the Commonwealth, to promote the knowledge of and appreciation by the citizens of the Commonwealth of the historical and cultural development and heritage of the Commonwealth and the United States and to promote thereby their health, welfare, convenience and prosperity. It is not intended hereby that any such authority shall itself be authorized to operate any such facility.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to facilities devoted to the staging of equine events and activities (other than racing) for use by governmental or nonprofit, nonreligious or nonsectarian organizations and operated by such governmental or nonprofit, nonreligious or nonsectarian organizations in order to promote the equine industry and equine-related activities (other than racing) which are integral to the Commonwealth's economy and heritage and to promote thereby the safety, health, welfare, convenience, and prosperity of the inhabitants of the Commonwealth.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to acquiring, developing, owning and operating an industrial park and any utilities that are intended primarily to serve the park and to issue bonds for such purposes. The bonds may be secured by revenues generated by the industrial park or the utilities being financed or by any other funds of the authority.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities created by one or more municipalities whose housing authorities have not been activated as provided by §§ 36-4 and 36-4.1, in addition to the powers previously or hereafter granted in this chapter, the powers contained herein with respect to facilities used primarily for single or multi-family residences in order to promote safe and affordable housing in the Commonwealth and to benefit thereby the safety, health, welfare and prosperity of the inhabitants of the Commonwealth. It is not intended hereby that any such authority shall itself be authorized to operate any such facility or exercise any powers of eminent domain set forth in § 36-27.

In any instance in this chapter where an industrial development authority may issue bonds through its authority to finance, the authority may also refinance such bonds.

This chapter shall be liberally construed in conformity with these intentions.

§ 15.2-4902. Definitions.

Wherever used in this chapter, unless a different meaning clearly appears in the context:

"Authority" means any political subdivision, a body politic and corporate, created, organized and operated pursuant to the provisions of this chapter, or if the authority is abolished, the board, body, commission, department or officer succeeding to the principal functions thereof or to whom the powers given by this chapter are given by law.

"Authority facilities" or "facilities" means any or all (i) medical (including, but not limited to, office and treatment facilities), pollution control or industrial facilities; (ii) facilities for the residence or care of the aged; (iii) multi-state regional or national headquarters offices or operations centers; (iv) facilities for private, accredited and nonprofit institutions of collegiate, elementary, or secondary education in the Commonwealth whose primary purpose is to provide collegiate, elementary, secondary, or graduate

education and not to provide religious training or theological education, such facilities being for use as academic or administration buildings or any other structure or application usual and customary to a college, elementary or secondary school campus other than chapels and their like; (v) parking facilities, including parking structures; (vi) facilities for use as office space by nonprofit, nonreligious or nonsectarian organizations; (vii) facilities for museums and historical education, demonstration and interpretation, together with buildings, structures or other facilities necessary or desirable in connection with the foregoing, for use by nonprofit organizations; (viii) facilities for use by an organization (other than an organization organized and operated exclusively for religious purposes) which is described in § 501 (c) (3) of the Internal Revenue Code of 1986, as amended, and which is exempt from federal income taxation pursuant to § 501 (a) of such Internal Revenue Code; (ix) facilities for use by a locality, the Commonwealth and its agencies, or other governmental organizations, provided that any such facilities owned by a locality, the Commonwealth or its agencies or other public bodies subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not be exempt from competitive procurement requirements, under the exception granted in § 11-45 D; (x) facilities devoted to the staging of equine events and activities (other than racing events); however, such facilities must be owned by a governmental or nonprofit, nonreligious or nonsectarian organization and operated by any such governmental or nonprofit, nonreligious or nonsectarian organization; (xi) facilities for commercial enterprises that are not enterprise zone facilities (as defined in § 1394(b) of the Internal Revenue Code of 1986, as amended) now existing or hereafter acquired, constructed or installed by or for the authority pursuant to the terms of this chapter; however, facilities for commercial enterprise that are not enterprise zone facilities but which are taxable authority facilities shall constitute authority facilities only if the interest on any bonds issued to finance such facilities is not exempt from federal income taxation; (xii) enterprise zone facilities; and (xiii) facilities used primarily for single or multi-family residences. Clause (xiii) applies only to industrial development authorities created by one or more municipalities whose housing authorities have not been activated as provided by §§ 36-4 and 36-4.1. Any facility may be located within or outside or partly within or outside the locality creating the authority. Any facility may consist of or include any or all buildings, improvements, additions, extensions, replacements, machinery or equipment, and may also include appurtenances, lands, rights in land, water rights, franchises, furnishings, landscaping, utilities, approaches, roadways and other facilities necessary or desirable in connection therewith or incidental thereto, acquired, constructed, or installed by or on behalf of the authority. A pollution control facility shall include any facility acquired, constructed or installed or any expenditure made, including the reconstruction, modernization or modification of any existing building, improvement, addition, extension, replacement, machinery or equipment, and which is designed to further the control or abatement of land, sewer, water, air, noise or general environmental pollution derived from the operation of any industrial or medical facility. Any facility may be constructed on or installed in or upon lands, structures, rights-of-way, easements, air rights, franchises or other property rights or interests whether owned by the authority or others.

"Bonds" or "revenue bonds" embraces notes, bonds and other obligations authorized to be issued by the authority pursuant to the provisions of this chapter.

"Cost" means, as applied to authority facilities, the cost of construction; the cost of acquisition of all lands, structures, rights-of-way, franchises, easements and other property rights and interests; the cost of demolishing, removing or relocating any buildings or structures on lands acquired, including the cost of acquiring any lands to which such buildings or structures may be moved or relocated; the cost of all labor, materials, machinery and equipment; financing charges and interest on all bonds prior to and during construction and, if deemed advisable by the authority, for a period not exceeding one year after completion of such construction; cost of engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and of revenues, and other expenses necessary or incident to determining the feasibility or practicability of constructing the authority facilities; administrative expenses, provisions for working capital, reserves for interest and for extensions, enlargements, additions and improvements; and such other expenses as may be necessary or incident to the construction of the authority facilities, the financing of such construction and the placing of the authority facilities in operation. Any obligation or expense incurred by the Commonwealth or any agency thereof, with the approval of the authority, for studies, surveys, borings, preparation of plans and specifications or other work or materials in connection with the construction of the authority facilities may be regarded as a part of the cost of the authority facilities and may be reimbursed to the Commonwealth or any agency thereof out of the proceeds of the bonds issued for such authority facilities as hereinafter authorized.

"Enterprise" means any industry for manufacturing, processing, assembling, storing, warehousing, distributing, or selling any products of agriculture, mining, or industry and for research and development or scientific laboratories, including, but not limited to, the practice of medicine and all other activities related thereto or for such other businesses or activities as will be in the furtherance of the public purposes of this chapter.

"Loans" means any loans made by the authority in furtherance of the purposes of this chapter from



the proceeds of the issuance and sale of the authority's bonds and from any of its revenues or other moneys available to it as provided herein.

"Revenues" means any or all fees, rates, rentals and receipts collected by, payable to or otherwise derived by the authority from, and all other moneys and income of whatsoever kind or character collected by, payable to or otherwise derived by the authority in connection with the ownership, leasing or sale of the authority facilities or in connection with any loans made by the authority under this chapter.

"Taxable authority facilities" means any private or commercial golf course, country club, massage parlor, tennis club, skating facility (including roller skating, skateboard and ice skating), racquet sports facility, suntan facility, race track, or facility the primary purpose of which is one of the following: (i) retail food and beverage services (excluding grocery stores), (ii) automobile sales and service, (iii) recreation or entertainment, or (iv) banks, savings and loan institutions or mortgage loan companies. The foregoing sentence notwithstanding, no facility financed as an enterprise zone facility using tax-exempt "enterprise zone facility bonds" (as such term is used in § 1394 of the Internal Revenue Code) shall constitute a taxable authority facility.

"Trust indenture" means any trust agreement or mortgage under which bonds authorized pursuant to this chapter may be secured.

§ 16.1-228. Definitions.

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

"Abused or neglected child" means any child:

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

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

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

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

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

If a civil proceeding under this chapter is based solely on the parent having left the child at a hospital or rescue squad, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended rescue squad that employs emergency medical technicians, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

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

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

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

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

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

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

"Child in need of services" means (i) a child whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of another person; however, no child who in good faith is under treatment solely by

551 spiritual means through prayer in accordance with the tenets and practices of a recognized church or  
552 religious denomination shall for that reason alone be considered to be a child in need of services, nor  
553 shall any child who habitually remains away from or habitually deserts or abandons his family as a  
554 result of what the court or the local child protective services unit determines to be incidents of physical,  
555 emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

556 However, to find that a child falls within these provisions, (i) the conduct complained of must  
557 present a clear and substantial danger to the child's life or health or to the life or health of another  
558 person; (ii) the child or his family is in need of treatment, rehabilitation or services not presently being  
559 received; and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or  
560 services needed by the child or his family.

561 "Child in need of supervision" means:

562 1. A child who, while subject to compulsory school attendance, is habitually and without justification  
563 absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of  
564 any and all educational services and programs that are required to be provided by law and which meet  
565 the child's particular educational needs, (ii) the school system from which the child is absent or other  
566 appropriate agency has made a reasonable effort to effect the child's regular attendance without success,  
567 and (iii) the school system has provided documentation that it has complied with the provisions of  
568 § 22.1-258; or

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

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

578 "Delinquent act" means (i) an act designated a crime under the law of this Commonwealth, or an  
579 ordinance of any city, county, town or service district, or under federal law; (ii) a violation of  
580 § 18.2-308.7; or (iii) a violation of a court order as provided for in § 16.1-292, but shall not include an  
581 act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if  
582 committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, the term shall include a refusal to  
583 take a blood or breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city or  
584 town.

585 "Delinquent child" means a child who has committed a delinquent act or an adult who has committed  
586 a delinquent act prior to his eighteenth birthday, except where the jurisdiction of the juvenile court has  
587 been terminated under the provisions of § 16.1-269.6.

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

591 "Family abuse" means any act involving violence, force, or threat including, but not limited to, any  
592 forceful detention, which results in bodily injury or places one in reasonable apprehension of bodily  
593 injury and which is committed by a person against such person's family or household member.

594 "Family or household member" means (i) the person's spouse, whether or not he or she resides in the  
595 same home with the person; (ii) the person's former spouse, whether or not he or she resides in the  
596 same home with the person; (iii) the person's parents, stepparents, children, stepchildren, brothers,  
597 sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons  
598 reside in the same home with the person; (iv) the person's mother-in-law, father-in-law, sons-in-law,  
599 daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person; (v)  
600 any individual who has a child in common with the person, whether or not the person and that  
601 individual have been married or have resided together at any time; or (vi) any individual who cohabits  
602 or who, within the previous 12 months, cohabited with the person, and any children of either of them  
603 then residing in the same home with the person.

604 "Foster care services" means the provision of a full range of casework, treatment and community  
605 services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or  
606 in need of services as defined in this section and his family when the child (i) has been identified as  
607 needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through  
608 an agreement between the local board of social services or a public agency designated by the  
609 community policy and management team and the parents or guardians where legal custody remains with  
610 the parents or guardians, (iii) has been committed or entrusted to a local board of social services or  
611 child welfare agency, or (iv) has been placed under the supervisory responsibility of the local board  
612 pursuant to § 16.1-293.

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

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

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

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

"Legal custody" means (i) a legal status created by court order which vests in a custodian the right to have physical custody of the child, to determine and redetermine where and with whom he shall live, the right and duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal status created by court order of joint custody as defined in § 20-107.2.

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

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

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

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

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

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

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

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

§ 18.2-207. Making false entry, etc., in marriage register, etc.

If any clerk of a court, commissioner of the revenue, physician, surgeon, medical examiner or minister celebrating a marriage, or clerk or keeper of the records of any religious society or church, shall, in any book, register, record, certificate or copy which such person is by Title 20 (§ 20-13 et seq.) required to keep, make, or give, knowingly make any false, erroneous, or fraudulent entry, record, registration, or written statement, he shall, for every such offense, be guilty of a Class 3 misdemeanor.

§ 18.2-280. Willfully discharging firearms in public places.

A. If any person willfully discharges or causes to be discharged any firearm in any street in a city or town, or in any place of public business or place of public gathering, and such conduct results in bodily injury to another person, he shall be guilty of a Class 6 felony. If such conduct does not result in bodily injury to another person, he shall be guilty of a Class 1 misdemeanor.

B. If any person willfully discharges or causes to be discharged any firearm upon the buildings and grounds of any public, private or ~~parochial~~ religious elementary, middle or high school, he shall be guilty of a Class 4 felony, unless he is engaged in a program or curriculum sponsored by or conducted with permission of a public, private or ~~parochial~~ religious school.

C. If any person willfully discharges or causes to be discharged any firearm upon any public property within 1,000 feet of the property line of any public, private or ~~parochial~~ religious elementary, middle or high school property he shall be guilty of a Class 4 felony, unless he is engaged in lawful hunting.

D. This section shall not apply to any law-enforcement officer in the performance of his official duties nor to any other person whose said willful act is otherwise justifiable or excusable at law in the protection of his life or property, or is otherwise specifically authorized by law.

E. Nothing in this statute shall preclude the Commonwealth from electing to prosecute under any other applicable provision of law instead of this section.

§ 18.2-282. Pointing, holding, or brandishing firearm, air or gas operated weapon or object similar in appearance; penalty.

A. It shall be unlawful for any person to point, hold or brandish any firearm or any air or gas operated weapon or any object similar in appearance, whether capable of being fired or not, in such manner as to reasonably induce fear in the mind of another or hold a firearm or any air or gas operated weapon in a public place in such a manner as to reasonably induce fear in the mind of another of being shot or injured. However, this section shall not apply to any person engaged in excusable or justifiable self-defense. Persons violating the provisions of this section shall be guilty of a Class 1 misdemeanor or, if the violation occurs upon any public, private or ~~parochial~~ *religious* elementary, middle or high school, including buildings and grounds or upon public property within 1,000 feet of such school property, he shall be guilty of a Class 6 felony.

B. Any police officer in the performance of his duty, in making an arrest under the provisions of this section, shall not be civilly liable in damages for injuries or death resulting to the person being arrested if he had reason to believe that the person being arrested was pointing, holding, or brandishing such firearm or air or gas operated weapon, or object that was similar in appearance, with intent to induce fear in the mind of another.

C. For purposes of this section, the word "firearm" means any weapon that will or is designed to or may readily be converted to expel single or multiple projectiles by the action of an explosion of a combustible material. The word "ammunition," as used herein, shall mean a cartridge, pellet, ball, missile or projectile adapted for use in a firearm.

§ 18.2-308.1. Possession of firearm, stun weapon, or other weapon on school property prohibited.

A. If any person possesses any (i) stun weapon or taser as defined in this section; (ii) knife, except a pocket knife having a folding metal blade of less than three inches; or (iii) weapon, including a weapon of like kind, designated in subsection A of § 18.2-308, other than a firearm; upon (a) the property of any public, private or ~~parochial~~ *religious* elementary, middle or high school, including buildings and grounds; (b) that portion of any property open to the public used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (c) any school bus owned or operated by any such school, he shall be guilty of a Class 1 misdemeanor.

B. If any person possesses any firearm designed or intended to expel a projectile by action of an explosion of a combustible material while such person is upon (i) any public, private or ~~parochial~~ *religious* elementary, middle or high school, including buildings and grounds; (ii) that portion of any property open to the public used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (iii) any school bus owned or operated by any such school, he shall be guilty of a Class 6 felony; however, if the person possesses any firearm within a public, private or ~~parochial~~ *religious* elementary, middle or high school building and intends to use, or attempts to use, such firearm, or displays such weapon in a threatening manner, such person shall be sentenced to a mandatory minimum term of imprisonment of five years to be served consecutively with any other sentence.

The exemptions set out in § 18.2-308 shall apply, mutatis mutandis, to the provisions of this section. The provisions of this section shall not apply to (i) persons who possess such weapon or weapons as a part of the school's curriculum or activities; (ii) a person possessing a knife customarily used for food preparation or service and using it for such purpose; (iii) persons who possess such weapon or weapons as a part of any program sponsored or facilitated by either the school or any organization authorized by the school to conduct its programs either on or off the school premises; (iv) any law-enforcement officer; (v) any person who possesses a knife or blade which he uses customarily in his trade; or (vi) a person who possesses an unloaded firearm that is in a closed container, or a knife having a metal blade, in or upon a motor vehicle, or an unloaded shotgun or rifle in a firearms rack in or upon a motor vehicle. For the purposes of this paragraph, "weapon" includes a knife having a metal blade of three inches or longer and "closed container" includes a locked vehicle trunk.

As used in this section:

"Stun weapon" means any mechanism that is (i) designed to emit an electronic, magnetic, or other type of charge that exceeds the equivalency of a five milliamp 60 hertz shock and (ii) used for the purpose of temporarily incapacitating a person; and

"Taser" means any mechanism that is (i) designed to emit an electronic, magnetic, or other type of charge or shock through the use of a projectile and (ii) used for the purpose of temporarily incapacitating a person.

§ 18.2-369. Abuse and neglect of incapacitated adults; penalty.

A. It shall be unlawful for any responsible person to abuse or neglect any incapacitated adult as defined in this section. Any responsible person who abuses or neglects an incapacitated adult in violation of this section and the abuse or neglect does not result in serious bodily injury or disease to the incapacitated adult shall be guilty of a Class 1 misdemeanor. Any responsible person who is convicted of a second or subsequent offense under this subsection shall be guilty of a Class 6 felony.

B. Any responsible person who abuses or neglects an incapacitated adult in violation of this section and the abuse or neglect results in serious bodily injury or disease to the incapacitated adult shall be guilty of a Class 4 felony.

C. For purposes of this section:

"Abuse" means (i) knowing and willful conduct that causes physical injury or pain or (ii) knowing and willful use of physical restraint, including confinement, as punishment, for convenience or as a substitute for treatment, except where such conduct or physical restraint, including confinement, is a part of care or treatment and is in furtherance of the health and safety of the incapacitated person.

"Incapacitated adult" means any person 18 years or older who is impaired by reason of mental illness, mental retardation, physical illness or disability, advanced age or other causes to the extent the adult lacks sufficient understanding or capacity to make, communicate or carry out reasonable decisions concerning his well-being.

"Neglect" means the knowing and willful failure by a responsible person to provide treatment, care, goods or services which results in injury to the health or endangers the safety of an incapacitated adult.

"Responsible person" means a person who has responsibility for the care, custody or control of an incapacitated person by operation of law or who has assumed such responsibility voluntarily, by contract or in fact.

"Serious bodily injury or disease" shall include but not be limited to (i) disfigurement, (ii) a fracture, (iii) a severe burn or laceration, (iv) mutilation, (v) maiming, or (vi) life - threatening internal injuries or conditions, whether or not caused by trauma.

D. No responsible person shall be in violation of this section whose conduct was (i) in accordance with the informed consent of the incapacitated person or a person authorized to consent on his behalf; (ii) in accordance with a declaration by the incapacitated person under the Natural Death Act of Virginia (§ 54.1-2981 et seq.) or with the provisions of a valid medical power of attorney; (iii) in accordance with the wishes of the incapacitated person or a person authorized to consent on behalf of the incapacitated person and in accord with the tenets and practices of a church or religious denomination; (iv) incident to necessary movement of, placement of or protection from harm to the incapacitated person; or (v) a bona fide, recognized or approved practice to provide medical care.

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

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

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

2. If a prosecution under this subsection is based solely on the accused parent having left the child at a hospital or rescue squad, it shall be an affirmative defense to prosecution of a parent under this subsection that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended rescue squad that employs emergency medical technicians, within the first 14 days of the child's life.

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

§ 18.2-423.1. Placing swastika on certain property with intent to intimidate; penalty; prima facie evidence of intent.

It shall be unlawful for any person or persons, with the intent of intimidating another person or group of persons, to place or cause to be placed a swastika on any church, synagogue or other building or place used for religious worship, or on any school, educational facility or community center owned or operated by a church or religious body.

A violation of this section shall be punishable as a Class 6 felony.

For the purposes of this section, any such placing of a swastika shall be prima facie evidence of an intent to intimidate another person or group of persons.

§ 19.2-389. Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or

797 review of employment by a criminal justice agency with respect to its own employees or applicants, and  
798 dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all  
799 state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2,  
800 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days;

801 2. Such other individuals and agencies that require criminal history record information to implement  
802 a state or federal statute or executive order of the President of the United States or Governor that  
803 expressly refers to criminal conduct and contains requirements and/or exclusions expressly based upon  
804 such conduct, except that information concerning the arrest of an individual may not be disseminated to  
805 a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the  
806 arrest and no disposition of the charge has been recorded and no active prosecution of the charge is  
807 pending;

808 3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide  
809 services required for the administration of criminal justice pursuant to that agreement which shall  
810 specifically authorize access to data, limit the use of data to purposes for which given, and ensure the  
811 security and confidentiality of the data;

812 4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities  
813 pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data,  
814 limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and  
815 security of the data;

816 5. Agencies of state or federal government that are authorized by state or federal statute or executive  
817 order of the President of the United States or Governor to conduct investigations determining  
818 employment suitability or eligibility for security clearances allowing access to classified information;

819 6. Individuals and agencies where authorized by court order or court rule;

820 7. Agencies of any political subdivision of the Commonwealth for the conduct of investigations of  
821 applicants for public employment, permit, or license whenever, in the interest of public welfare or  
822 safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a  
823 person with a conviction record would be compatible with the nature of the employment, permit, or  
824 license under consideration;

825 8. Public or private agencies when and as required by federal or state law or interstate compact to  
826 investigate (i) applicants for foster or adoptive parenthood or (ii) any individual with whom the agency  
827 is considering placing a child on an emergency, temporary or permanent basis pursuant to § 63.2-901.1,  
828 subject to the restriction that the data shall not be further disseminated by the agency to any party other  
829 than a federal or state authority or court as may be required to comply with an express requirement of  
830 law for such further dissemination;

831 9. To the extent permitted by federal law or regulation, public service companies as defined in  
832 § 56-1, for the conduct of investigations of applicants for employment when such employment involves  
833 personal contact with the public or when past criminal conduct of an applicant would be incompatible  
834 with the nature of the employment under consideration;

835 10. The appropriate authority for purposes of granting citizenship and for purposes of international  
836 travel, including but not limited to, issuing visas and passports;

837 11. A person requesting a copy of his own criminal history record information as defined in  
838 § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a  
839 person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of  
840 America, (ii) a volunteer fire company or volunteer rescue squad, (iii) the Volunteer Emergency  
841 Families for Children, (iv) any affiliate of Prevent Child Abuse, Virginia, or (v) any Virginia affiliate of  
842 Compeer;

843 12. Administrators and board presidents of and applicants for licensure or registration as a child  
844 welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services'  
845 representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and  
846 volunteers at such facilities, caretakers, and other adults living in family day-care homes or homes  
847 approved by family day-care systems, and foster and adoptive parent applicants of private child-placing  
848 agencies, pursuant to §§ 63.2-1719 ~~to~~through 63.2-1721, subject to the restriction that the data shall not  
849 be further disseminated by the facility or agency to any party other than the data subject, the  
850 Commissioner of Social Services' representative or a federal or state authority or court as may be  
851 required to comply with an express requirement of law for such further dissemination;

852 13. The school boards of the Commonwealth for the purpose of screening individuals who are  
853 offered or who accept public school employment and those current school board employees for whom a  
854 report of arrest has been made pursuant to § 19.2-83.1;

855 14. The State Lottery Department for the conduct of investigations as set forth in the State Lottery  
856 Law (§ 58.1-4000 et seq.);

857 15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations  
858 of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital

pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed homes for adults, licensed district homes for adults, and licensed adult day-care centers for the conduct of investigations of applicants for compensated employment in licensed homes for adults pursuant to § 63.2-1720, in licensed district homes for adults pursuant to § 63.1-189.1, and in licensed adult day-care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Alcoholic Beverage Control Board for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof in the course of conducting necessary investigations with respect to registered voters, limited to any record of felony convictions;

19. The Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-176, 19.2-177.1, 19.2-182.2, 19.2-182.3, 19.2-182.8 and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under §§ 18.2-51.4, 18.2-266 or § 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Mental Health, Mental Retardation and Substance Abuse Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Mental Health, Mental Retardation and Substance Abuse Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private or ~~parochial~~ *religious* elementary or secondary schools which are accredited by a statewide accrediting organization recognized, prior to January 1, 1996, by the State Board of Education or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public and nonprofit private colleges and universities for the purpose of screening individuals who are offered or accept employment;

25. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment pursuant to § 37.1-197.2;

26. Executive directors of behavioral health authorities as defined in § 37.1-243 for the purpose of determining an individual's fitness for employment pursuant to § 37.1-197.2;

27. The Commissioner of the Department of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

28. Authorized officers or directors of agencies licensed pursuant to Chapter 8 (§ 37.1-179 et seq.) of Title 37.1 by the Department of Mental Health, Mental Retardation and Substance Abuse Services for the purpose of determining if any applicant who accepts employment in any direct consumer care position has been convicted of a crime that affects their fitness to have responsibility for the safety and well-being of persons with mental illness, mental retardation and substance abuse pursuant to §§ 37.1-183.3 and 37.1-197.2;

29. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

30. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

31. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1. Dissemination of criminal history record information to the agencies shall be limited to those positions generally described as directly responsible for the health, safety and welfare of the general populace or protection of critical infrastructures; and

32. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records

920 requested may be relevant to such case, the court shall enter an order requiring the Central Criminal  
921 Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons  
922 designated in the order on whom a report has been made under the provisions of this chapter.

923 Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to  
924 before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the  
925 criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a  
926 copy of conviction data covering the person named in the request to the person making the request;  
927 however, such person on whom the data is being obtained shall consent in writing, under oath, to the  
928 making of such request. A person receiving a copy of his own conviction data may utilize or further  
929 disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data  
930 subject, the person making the request shall be furnished at his cost a certification to that effect.

931 B. Use of criminal history record information disseminated to noncriminal justice agencies under this  
932 section shall be limited to the purposes for which it was given and may not be disseminated further.

933 C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal  
934 history record information for employment or licensing inquiries except as provided by law.

935 D. Criminal justice agencies shall establish procedures to query the Central Criminal Records  
936 Exchange prior to dissemination of any criminal history record information on offenses required to be  
937 reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is  
938 being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases  
939 where time is of the essence and the normal response time of the Exchange would exceed the necessary  
940 time period. A criminal justice agency to whom a request has been made for the dissemination of  
941 criminal history record information that is required to be reported to the Central Criminal Records  
942 Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination.  
943 Dissemination of information regarding offenses not required to be reported to the Exchange shall be  
944 made by the criminal justice agency maintaining the record as required by § 15.2-1722.

945 E. Criminal history information provided to licensed nursing homes, hospitals and to home care  
946 organizations pursuant to subdivision 15 of subsection A shall be limited to the convictions on file with  
947 the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02 and 32.1-162.9:1.

948 F. Criminal history information provided to licensed assisted living facilities, licensed district homes  
949 for adults, and licensed adult day-care centers pursuant to subdivision 16 of subsection A shall be  
950 limited to the convictions on file with the Exchange for any offense specified in § 63.1-189.1 or  
951 §-63.2-1720.

952 § 20-23. Order authorizing ministers to perform ceremony.

953 When a minister of any ~~religious denomination~~ church shall produce before the circuit court of any  
954 county or city in this Commonwealth, or before the judge of such court or before the clerk of such court  
955 at any time, proof of his ordination and of his being in regular communion with the ~~religious society~~  
956 church of which he is a reputed member, or proof that he holds a local minister's license and is serving  
957 as a regularly appointed ~~pastor~~ minister in his ~~denomination~~ church, such court, or the judge thereof, or  
958 the clerk of such court at any time, may make an order authorizing such minister to celebrate the rites  
959 of matrimony in this Commonwealth. Any order made under this section may be rescinded at any time  
960 by the court or by the judge thereof.

961 § 20-26. Marriage between members of church having no minister.

962 Marriages between persons belonging to any ~~religious society~~ church which has no ordained minister,  
963 may be solemnized by the persons and in the manner prescribed by and practiced in any such  
964 ~~society~~ church. One person chosen by the ~~society~~ church shall be responsible for completing the  
965 certification of marriage in the same manner as a minister or other person authorized to perform  
966 marriages; such person chosen by the ~~society~~ church for this purpose shall be required to execute a bond  
967 in the penalty of \$500, with surety.

968 § 22.1-7. Responsibility of each state board, agency and institution having children in residence or in  
969 custody.

970 Each state board, state agency and state institution having children in residence or in custody shall  
971 have responsibility for providing for the education and training to such children which is at least  
972 comparable to that which would be provided to such children in the public school system. Such board,  
973 agency or institution may provide such education and training either directly with its own facilities and  
974 personnel in cooperation with the Board of Education or under contract with a school division or any  
975 other public or private ~~nonsectarian~~ nonreligious school, agency or institution. The Board of Education  
976 shall supervise the education and training provided to school-age residents in state mental retardation  
977 facilities and provide for and direct the education for school-age residents in state mental health facilities  
978 in cooperation with the Department of Mental Health, Mental Retardation and Substance Abuse Services.  
979 The Board shall prescribe standards and regulations for all such education and training provided directly  
980 by a state board, state agency or state institution. Each state board, state agency or state institution  
981 providing such education and training shall submit annually its program therefor to the Board of



Education for approval in accordance with regulations of the Board. If any child in the custody of any state board, state agency or state institution is a child with disabilities as defined in § 22.1-213 and such board, agency or institution must contract with a private ~~nonsectarian~~ *nonreligious* school to provide special education as defined in § 22.1-213 for such child, the state board, state agency or state institution may proceed as a guardian pursuant to the provisions of § 22.1-218 A.

§ 22.1-180. Requirements for persons employed to transport pupils attending religious or private schools.

No person, partnership, association or corporation operating any ~~parochial~~ *religious* or private school shall hire, employ or enter into any agreement with any person for the purpose of transporting pupils by motor vehicle unless such person shall present the documents and meet the qualifications required of operators of public school buses by subsection A of § 22.1-178. The State Department of Education shall furnish the forms prescribed for the purposes of § 22.1-178 to any person, partnership, association or corporation who shall request such forms for the purpose of compliance with this section.

§ 22.1-212.5. Objectives; definitions.

A. (Effective until July 1, 2009) In order to (i) stimulate the development of innovative programs within public education; (ii) provide opportunities for innovative instruction and assessment; (iii) provide parents and students with more options within their school divisions; (iv) provide teachers with a vehicle for establishing schools with alternative innovative instruction and school scheduling, management and structure; (v) encourage the use of performance-based educational programs; (vi) establish and maintain high standards for both teachers and administrators; and (vii) develop models for replication in other public schools, public charter schools may be established in Virginia as provided in this article.

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B. As used in this article:

"At-risk pupil" means a student having a physical, emotional, intellectual, socioeconomic, or cultural risk factor, as defined in Board of Education criteria, which research indicates may negatively influence educational success.

"Public charter school" means a public, ~~nonsectarian~~, nonreligious, or non-home-based alternative school located within a public school division. A public charter school may be created as a new public school or through the conversion of all or part of an existing public school; however, no public charter school shall be established through the conversion of a private school or a nonpublic home-based educational program. A charter school for at-risk pupils may be established as a residential school.

"Regional public charter school" means a public charter school operated by two or more school boards and chartered directly by the participating school boards.

§ 22.1-212.8. Charter application.

A. Any person, group, or organization, including any institution of higher education, may submit an application for the formation of a public charter school.

B. The public charter school application shall be a proposed agreement and shall include:

1. The mission statement of the public charter school that must be consistent with the principles of the Standards of Quality.

2. The goals and educational objectives to be achieved by the public charter school, which educational objectives must meet or exceed the Standards of Learning.

3. (Effective until July 1, 2009) Evidence that an adequate number of parents, teachers, pupils, residents of the school division, or any combination thereof, support the formation of a public charter school.

3. (Effective July 1, 2009) Evidence that an adequate number of parents, teachers, pupils, or any combination thereof, support the formation of a public charter school.

4. A statement of the need for a public charter school in a school division or relevant school divisions in the case of a regional public charter school, or in a geographic area within a school division or relevant school divisions, as the case may be.

5. A description of the public charter school's educational program, pupil performance standards, and curriculum, which must meet or exceed any applicable Standards of Quality; any assessments to be used to measure pupil progress towards achievement of the school's pupil performance standards, in addition to the Standards of Learning assessments prescribed by § 22.1-253.13:3; the timeline for achievement of such standards; and the procedures for taking corrective action in the event that pupil performance at the public charter school falls below such standards.

6. A description of the lottery process to be used to determine enrollment. A lottery process shall also be developed for the establishment of a waiting list for such students for whom space is unavailable and, if appropriate, a tailored admission policy that meets the specific mission or focus of the public charter school and is consistent with all federal and state laws and regulations and constitutional provisions prohibiting discrimination that are applicable to public schools and with any court-ordered desegregation plan in effect for the school division or, in the case of a regional public charter school, in effect for any of the relevant school divisions.

7. Evidence that the plan for the public charter school is economically sound for both the public charter school and the school division or relevant school divisions, as the case may be; a proposed budget for the term of the charter; and a description of the manner in which an annual audit of the financial and administrative operations of the public charter school, including any services provided by the school division or relevant school divisions, as the case may be, is to be conducted.

8. A plan for the displacement of pupils, teachers, and other employees who will not attend or be employed in the public charter school, in instances of the conversion of an existing public school to a public charter school, and for the placement of public charter school pupils, teachers, and employees upon termination or revocation of the charter.

9. A description of the management and operation of the public charter school, including the nature and extent of parental, professional educator, and community involvement in the management and operation of the public charter school.

10. An explanation of the relationship that will exist between the proposed public charter school and its employees, including evidence that the terms and conditions of employment have been addressed with affected employees.

11. An agreement between the parties regarding their respective legal liability and applicable insurance coverage.

12. A description of how the public charter school plans to meet the transportation needs of its pupils.

13. Assurances that the public charter school (i) is ~~nonsectarian~~ *nonreligious* in its programs, admission policies, employment practices, and all other operations and (ii) does not charge tuition.

14. In the case of a residential charter school for at-risk students, a description of (i) the residential program, facilities, and staffing; (ii) any parental education and after-care initiatives; (iii) the funding sources for the residential and other services provided; and (iv) any counseling or other social services to be provided and their coordination with any current state or local initiatives.

15. (Effective until July 1, 2009) Disclosure of any ownership or financial interest in the public charter school, by the charter applicant and the governing body, administrators, and other personnel of the proposed public charter school, and a requirement that the successful applicant and the governing body, administrators, and other personnel of the public charter school shall have a continuing duty to disclose such interests during the term of any charter.

C. (Effective until July 1, 2009) The charter applicant shall include in the proposed agreement the results of any Board of Education review of the public charter school application that may have been conducted as provided in subsection C of § 22.1-212.9.

§ 22.1-216. Use of public or private facilities and personnel under contract for special education.

A school board may provide special education for children with disabilities either directly with its own facilities and personnel or under contract with another school division or divisions or any other public or private ~~nonsectarian~~ *nonreligious* school, agency or institution licensed or certified by the Board of Education or by a licensing authority in the state where the facility is located. Special education for children below the compulsory school attendance age may be provided in ~~nonsectarian~~ *nonreligious* child-day programs licensed in accordance with state law.

§ 22.1-218. Reimbursement for placement in private schools; reimbursement of school boards from state funds.

A. If a child's individualized education program calls for placement in a private ~~nonsectarian~~ *nonreligious* school, agency, or institution, payment for reasonable tuition cost and other reasonable charges shall be made from the state pool of funds pursuant to § 2.2-5211.

B. Where a school board enters into an agreement with the Woodrow Wilson Rehabilitation Center or a special education regional program established pursuant to regulations of the Board of Education, the Board of Education is authorized to reimburse the school board from such funds as are appropriated for this purpose.

C. The Board of Education is further authorized to reimburse each school board operating a preschool special education program for children with disabilities aged two through four, through the Standards of Quality Special Education account.

§ 22.1-220. Power of counties, cities and towns to appropriate and expend funds for education of children with disabilities.

The governing body of any county, city or town is hereby authorized and empowered to appropriate

and expend funds of the county, city or town in furtherance of the education of children with disabilities residing in such county, city or town who attend Woodrow Wilson Rehabilitation Center or public or private ~~nonsectarian~~ *nonreligious* schools, or public or private ~~nonsectarian~~ *nonreligious* child-day programs for children below the compulsory school attendance age, whether within or without the county, city or town and whether within or without the Commonwealth.

§ 22.1-271.1. Definitions.

For the purpose of § 22.1-271.2:

"Admit" or "admission" means the official enrollment or reenrollment for attendance at any grade level, whether full-time or part-time, of any student by any school.

"Admitting official" means the school principal or his designated representative if a public school; if a nonpublic school or child-care center, the principal, headmaster or director of the school or center.

"Documentary proof" means written certification that a student has been immunized, such certificate to be on a form provided by the State Department of Health and signed by the licensed immunizing physician or an employee of the immunizing local health department.

"Student" means any person who seeks admission to a school, or for whom admission to a school is sought by a parent or guardian, and who will not have attained the age of ~~twenty~~ 20 years by the start of the school term for which admission is sought.

"Immunized" or "immunization" means initial immunization and any boosters or reimmunizations required by § 32.1-46.

"School" means (i) any public school from kindergarten through grade ~~twelve~~ 12 operated under the authority of any locality within this Commonwealth, (ii) any private or ~~parochial~~ *religious* school that offers instruction at any level or grade from kindergarten through grade twelve, and (iii) any private or ~~parochial~~ *religious* nursery school or preschool, or any private or ~~parochial~~ *religious* child-care center required to be licensed by this Commonwealth.

§ 22.1-291.3. Notice of duty to report child abuse or neglect.

Each public school board and each administrator of every private or ~~parochial~~ *religious* school shall post, in each of their schools, a notice, pursuant to § 63.2-1509, that: (i) any teacher or other person employed in a public or private school who has reason to suspect that a child is an abused or neglected child, including any child who may be abandoned, is required to report such suspected cases of child abuse or neglect to local or state social services agencies or the person in charge of the relevant school or his designee; and (ii) all persons required to report cases of suspected child abuse or neglect are immune from civil or criminal liability or administrative penalty or sanction on account of such reports unless such person has acted in bad faith or with malicious purpose. The notice shall also include the Virginia Department of Social Services' toll-free child abuse and neglect hotline.

§ 22.1-296.3. Certain private school employees subject to fingerprinting and criminal records checks.

A. As a condition of employment, the governing boards or administrators of private or ~~parochial~~ *religious* elementary or secondary schools which are accredited by a statewide accrediting organization recognized, prior to January 1, 1996, by the State Board of Education shall require any applicant who accepts employment for the first time after July 1, 1998, whether full-time or part-time, permanent or temporary, to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall report to the governing board or administrator, or to a private organization coordinating such records on behalf of such governing board or administrator pursuant to a written agreement with the Department of State Police, that the applicant meets the criteria or does not meet the criteria for employment based on whether or not the applicant has ever been convicted of the following crimes or their equivalent if from another jurisdiction: any offense set forth in § 63.2-1719 or § 63.2-1726, use of a firearm in the commission of a felony as set out in § 18.2-53.1, or an equivalent offense in another state.

B. The Central Criminal Records Exchange shall not disclose information to such governing board, administrator, or private organization coordinating such records regarding charges or convictions of any crimes. If any applicant is denied employment because of information appearing on the criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon request, furnish the applicant the procedures for obtaining a copy of the criminal history record from the Federal Bureau of Investigation. The information provided to the governing board, administrator, or private organization coordinating such records shall not be disseminated except as provided in this section. A governing board or administrator employing or previously employing a temporary teacher or a private organization coordinating such records on behalf of such governing board or administrator pursuant to a written agreement with the Department of State

Police may disseminate, at the written request of such temporary teacher, whether such teacher meets the criteria or does not meet the criteria for employment pursuant to subsection A to the governing board or administrator of another accredited private or ~~parochial~~ *religious* elementary or secondary school in which such teacher has accepted employment. Such governing board, administrator, or private organization transferring criminal records information pursuant to this section shall be immune from civil liability for any official act, decision or omission done or made in the performance of such transfer, when such acts or omissions are taken in good faith and are not the result of gross negligence or willful misconduct.

In addition to the fees assessed by the Federal Bureau of Investigation, the Department of State Police may assess a fee for responding to requests required by this section which shall not exceed ~~fifteen dollars~~ \$15 per request for a criminal records check.

For purposes of this section, "governing board" or "administrator" means the unit or board or person designated to supervise operations of a system of private or ~~parochial~~ *religious* schools or a private or ~~parochial~~ *religious* school accredited by a statewide accrediting organization recognized, prior to January 1, 1996, by the State Board of Education.

Nothing in this section or § 19.2-389 shall be construed to require any private or ~~parochial~~ *religious* school which is not so accredited to comply with this section.

§ 23-30.41. Definitions.

In this chapter, the following words and terms shall, unless the context otherwise requires, have the following meanings:

(a) "Authority," the Virginia College Building Authority created by § 23-30.25.

(b) "Project," in the case of a participating institution for higher education, a structure or structures suitable for use as a dormitory or other multi-unit housing facility for students, faculty, officers or employees, a dining hall, student union, administration building, academic building, library, laboratory, research facility, classroom, athletic facility, health care facility, maintenance, storage or utility facility and other structures or facilities related to any of the foregoing or required or useful for the instruction of students or the conducting of research or the operation of an institution for higher education, including parking and other facilities or structures essential or convenient for the orderly conduct of such institution for higher education, and shall also include landscaping, site preparation, furniture, equipment and machinery and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended but shall not include such items as books, fuel, supplies or other items the costs of which are customarily deemed to result in a current operating charge, and shall not include any facility used or to be used for ~~sectarian~~ *religious* instruction or as a place of religious worship nor any facility which is used or to be used primarily in connection with any part of the program of a school or department of divinity for any ~~religious denomination~~ church.

(c) "Costs," as applied to a project or any portion thereof financed under the provisions of this chapter embraces all or any part of the cost of construction, acquisition, alteration, enlargement, reconstruction and remodeling of a project including all lands, structures, real or personal property, rights, rights-of-way, air rights, franchises, easements and interests acquired or used for or in connection with a project, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to, during and for a period after completion of such construction and acquisition, provisions for reserves for principal and interest and for extensions, enlargements, additions, replacements, renovations and improvements, the cost of architectural, engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and of revenues, administrative expenses, expenses necessary or incident to determining the feasibility or practicability of constructing the project and such other expenses as may be necessary or incident to the construction and acquisition of the project, the financing of such construction and acquisition and the placing of the project in operation.

(d) "Bonds" or "revenue bonds," revenue bonds of the Authority issued under the provisions of this chapter, including revenue refunding bonds, notes and other obligations, notwithstanding that the same may be secured by mortgage or by the full faith and credit or by any other lawfully pledged security of either one or more participating institutions for higher education.

(e) "Institution for higher education," a nonprofit educational institution within the Commonwealth whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education.

(f) "Participating institution for higher education," an institution for higher education which, pursuant to the provisions of this chapter, undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of obligations or of a mortgage or of advances as provided in this chapter.

§ 32.1-128. Applicability to hospitals and nursing homes for practice of religious tenets.

Nothing in this article shall be construed to authorize or require the interference with or prevention of the establishment or operation of a hospital or nursing home for the practice of religious tenets of any ~~recognized church or denomination~~ in the ministrations to the sick and suffering by mental or spiritual means without the use of any drug or material remedy, whether gratuitously or for compensation, provided the statutes and regulations on environmental protection and life safety are complied with.

§ 32.1-162.2. Exemption from article.

The provisions of this article shall not be applicable to a hospice established or operated for the practice of religious tenets of any ~~recognized church or denomination~~ which provides care and treatment for the sick by spiritual means without the use of any drug or material remedy, whether gratuitously or for compensation. Such a hospice shall comply with the statutes and regulations governing environmental protection and life safety.

§ 32.1-276.3. (Effective until July 1, 2008) Definitions.

As used in this chapter:

"Board" means the Board of Health.

"Consumer" means any person (i) whose occupation is other than the administration of health activities or the provision of health services; (ii) who has no fiduciary obligation to a health care institution or other health agency or to any organization, public or private, whose principal activity is an adjunct to the provision of health services; or (iii) who has no material financial interest in the rendering of health services.

"Health care provider" means (i) a general hospital, ordinary hospital, outpatient surgical hospital, nursing home or certified nursing facility licensed or certified pursuant to Article 1 (§ 32.1-123 et seq.) of Chapter 5 of this title; (ii) a mental or psychiatric hospital licensed pursuant to Chapter 8 (§ 37.1-179 et seq.) of Title 37.1; (iii) a hospital operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services; (iv) a hospital operated by the University of Virginia or the Virginia Commonwealth University Health System Authority; (v) any person licensed to practice medicine or osteopathy in the Commonwealth pursuant to Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1; (vi) any person licensed to furnish health care policies or plans pursuant to Chapter 34 (§ 38.2-3400 et seq.), Chapter 42 (§ 38.2-4200), or Chapter 43 (§ 38.2-4300) of Title 38.2; or (vii) any person licensed to practice dentistry pursuant to Chapter 27 (§ 54.1-2700 et seq.) of Title 54.1 who is registered with the Board of Dentistry as an oral and maxillofacial surgeon and certified by the Board of Dentistry to perform certain procedures pursuant to § 54.1-2709.1. In no event shall such term be construed to include continuing care retirement communities which file annual financial reports with the State Corporation Commission pursuant to Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 or any nursing care facility of a *church or* religious body which depends upon prayer alone for healing.

"Health maintenance organization" means any person who undertakes to provide or to arrange for one or more health care plans pursuant to Chapter 43 (§ 38.2-4300 et seq.) of Title 38.2.

"Inpatient hospital" means a hospital providing inpatient care and licensed pursuant to Article 1 (§ 32.1-123 et seq.) of Chapter 5 of this title, a hospital licensed pursuant to Chapter 8 (§ 37.1-179 et seq.) of Title 37.1, a hospital operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services for the care and treatment of the mentally ill, or a hospital operated by the University of Virginia or the Virginia Commonwealth University Health System Authority.

"Nonprofit organization" means a nonprofit, tax-exempt health data organization with the characteristics, expertise, and capacity to execute the powers and duties set forth for such entity in this chapter.

"Oral and maxillofacial surgeon" means, for the purposes of this chapter, a person who is licensed to practice dentistry in Virginia, registered with the Board of Dentistry as an oral and maxillofacial surgeon, and certified to perform certain procedures pursuant to § 54.1-2709.1.

"Oral and maxillofacial surgeon's office" means a place (i) owned or operated by a licensed and registered oral and maxillofacial surgeon who is certified to perform certain procedures pursuant to § 54.1-2709.1 or by a group of oral and maxillofacial surgeons, at least one of whom is so certified, practicing in any legal form whatsoever or by a corporation, partnership, limited liability company or other entity that employs or engages at least one oral and maxillofacial surgeon who is so certified, and (ii) designed and equipped for the provision of oral and maxillofacial surgery services to ambulatory patients.

"Outpatient surgery" means all surgical procedures performed on an outpatient basis in a general hospital, ordinary hospital, outpatient surgical hospital or other facility licensed or certified pursuant to Article 1 (§ 32.1-123 et seq.) of Chapter 5 of this title or in a physician's office or oral and maxillofacial surgeon's office, as defined above. Outpatient surgery refers only to those surgical procedure groups on which data are collected by the nonprofit organization as a part of a pilot study.

"Physician" means a person licensed to practice medicine or osteopathy in the Commonwealth pursuant to Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1.

1289 "Physician's office" means a place (i) owned or operated by a licensed physician or group of  
1290 physicians practicing in any legal form whatsoever or by a corporation, partnership, limited liability  
1291 company or other entity that employs or engages physicians; and (ii) designed and equipped solely for  
1292 the provision of fundamental medical care, whether diagnostic, therapeutic, rehabilitative, preventive or  
1293 palliative, to ambulatory patients.

1294 "Surgical procedure group" means at least five procedure groups, identified by the nonprofit  
1295 organization designated pursuant to § 32.1-276.4 in compliance with regulations adopted by the Board,  
1296 based on criteria that include, but are not limited to, the frequency with which the procedure is  
1297 performed, the clinical severity or intensity, and the perception or probability of risk. The nonprofit  
1298 organization shall form a technical advisory group consisting of members nominated by its Board of  
1299 Directors' nominating organizations to assist in selecting surgical procedure groups to recommend to the  
1300 Board for adoption.

1301 "System" means the Virginia Patient Level Data System.

1302 § 36-96.2. Exemptions.

1303 A. Except as provided in subdivision A 3 of § 36-96.3, this chapter shall not apply to any  
1304 single-family house sold or rented by an owner, provided that such private individual does not own  
1305 more than three single-family houses at any one time. In the case of the sale of any single-family house  
1306 by a private individual-owner not residing in the house at the time of the sale or who was not the most  
1307 recent resident of the house prior to sale, the exemption granted shall apply only with respect to one  
1308 such sale within any 24-month period; provided that such bona fide private individual owner does not  
1309 own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary  
1310 agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than  
1311 three such single-family houses at any one time. The sale or rental of any such single-family house shall  
1312 be exempt from the application of this chapter only if the house is sold or rented (i) without the use in  
1313 any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent,  
1314 salesperson, or of the facilities or the services of any person in the business of selling or renting  
1315 dwellings, or of any employee, independent contractor, or agent of any broker, agent, salesperson, or  
1316 person and (ii) without the publication, posting, or mailing, after notice, of any advertisement or written  
1317 notice in violation of this chapter. However, nothing herein shall prohibit the use of attorneys, escrow  
1318 agents, abstractors, title companies, and other professional assistance as necessary to perfect or transfer  
1319 the title. This exemption shall not apply to or inure to the benefit of any licensee of the Real Estate  
1320 Board or regulant of the Fair Housing Board, regardless of whether the licensee is acting in his personal  
1321 or professional capacity.

1322 B. Except for subdivision A 3 of § 36-96.3, this chapter shall not apply to rooms or units in  
1323 dwellings containing living quarters occupied or intended to be occupied by no more than four families  
1324 living independently of each other, if the owner actually maintains and occupies one of such living  
1325 quarters as his residence.

1326 C. Nothing in this chapter shall prohibit a *church or religious organization, association or*  
1327 *societybody*, or any nonprofit institution or organization operated, supervised, or controlled by or in  
1328 conjunction with a *church or religious organization, association or societybody*, from limiting the sale,  
1329 rental, or occupancy of dwellings that it owns or operates for other than a commercial purpose to  
1330 persons of the same religion, or from giving preferences to such persons, unless membership in such  
1331 religion is restricted on account of race, color, national origin, sex, elderliness, familial status, or  
1332 handicap. Nor shall anything in this chapter apply to a private membership club not in fact open to the  
1333 public, which as an incident to its primary purpose or purposes provides lodging which it owns or  
1334 operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to  
1335 its members or from giving preference to its members. Nor, where matters of personal privacy are  
1336 involved, shall anything in this chapter be construed to prohibit any private, state-owned or  
1337 state-supported educational institution, hospital, nursing home, religious or correctional institution, from  
1338 requiring that persons of both sexes not occupy any single-family residence or room or unit of dwellings  
1339 or other buildings, or restrooms in such room or unit in dwellings or other buildings, which it owns or  
1340 operates.

1341 D. Nothing in this chapter prohibits conduct against a person because such person has been convicted  
1342 by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled  
1343 substance as defined in federal law.

1344 E. It shall not be unlawful under this chapter for any owner to deny or limit the rental of housing to  
1345 persons who pose a clear and present threat of substantial harm to others or to the dwelling itself.

1346 F. A rental application may require disclosure by the applicant of any criminal convictions and the  
1347 owner or managing agent may require as a condition of acceptance of the rental application that  
1348 applicant consent in writing to a criminal record check to verify the disclosures made by applicant in the  
1349 rental application. The owner or managing agent may collect from the applicant moneys to reimburse  
1350 the owner or managing agent for the exact amount of the out-of-pocket costs for such criminal record

checks. Nothing in this chapter shall require an owner or managing agent to rent a dwelling to an individual who, based on a prior record of criminal convictions involving harm to persons or property, would constitute a clear and present threat to the health or safety of other individuals.

G. Nothing in this chapter limits the applicability of any reasonable local, state or federal restriction regarding the maximum number of occupants permitted to occupy a dwelling. Owners or managing agents of dwellings may develop and implement reasonable occupancy and safety standards based on factors such as the number and size of sleeping areas or bedrooms and overall size of a dwelling unit so long as the standards do not violate local, state or federal restrictions. Nothing in this chapter prohibits the rental application or similar document from requiring information concerning the number, ages, sex and familial relationship of the applicants and the dwelling's intended occupants.

§ 38.2-2115. Discrimination in issuance of fire insurance.

No insurer or agent shall refuse to issue a policy solely because of any one or more of the following factors: the age, sex, residence, race, color, creed, national origin, ancestry, marital status or lawful occupation, including the military service, of the person seeking insurance. Nothing in this section prohibits any insurer from limiting the issuance of policies to those who are residents of this Commonwealth, nor does it prohibit any insurer from limiting the issuance of policies only to persons engaging in or who have engaged in a particular profession or occupation, or who are members of a particular religious sect or church. Nothing in this section prohibits any insurer from setting rates in accordance with relevant actuarial data.

§ 38.2-2213. Discrimination in issuance of motor vehicle insurance.

No insurer or agent shall refuse to issue a motor vehicle insurance policy as defined in § 38.2-2212 solely because of any one or more of the following factors: the age, sex, residence, race, color, creed, national origin, ancestry, marital status, or lawful occupation, including the military service, of the person seeking the coverage. Nothing in this section prohibits any insurer from limiting the issuance of motor vehicle insurance policies to those who are residents of this Commonwealth nor does this section prohibit any insurer from limiting the issuance of motor vehicle insurance policies only to persons engaging in or who have engaged in a particular profession or occupation, or who are members of a particular religious sect or church. Nothing in this section prohibits any insurer from setting rates in accordance with relevant actuarial data.

§ 46.2-100. Definitions.

The following words and phrases when used in this title shall, for the purpose of this title, have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning:

"Antique motor vehicle" means every motor vehicle, as defined in this section, which was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Antique trailer" means every trailer or semitrailer, as defined in this section, that was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Automobile or watercraft transporters" means any tractor truck, lowboy, vehicle, or combination, including vehicles or combinations that transport motor vehicles or watercraft on their power unit, designed and used exclusively for the transportation of motor vehicles or watercraft.

"Bicycle" means a device propelled solely by human power, upon which a person may ride either on or astride a regular seat attached thereto, having two or more wheels in tandem, including children's bicycles, except a toy vehicle intended for use by young children. For purposes of Chapter 8 (§ 46.2-800 et seq.) of this title, a bicycle shall be a vehicle while operated on the highway.

"Bicycle lane" means that portion of a roadway designated by signs and/or pavement markings for the preferential use of bicycles, electric power-assisted bicycles, and mopeds.

"Business district" means the territory contiguous to a highway where 75 percent or more of the property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more along the highway, is occupied by land and buildings actually in use for business purposes.

"Camping trailer" means every vehicle that has collapsible sides and contains sleeping quarters but may or may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle.

"Cancel" or "cancellation" means that the document or privilege cancelled has been annulled or terminated because of some error, defect, or ineligibility, but the cancellation is without prejudice and reapplication may be made at any time after cancellation.

"Chauffeur" means every person employed for the principal purpose of driving a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

"Commission" means the State Corporation Commission.

"Commissioner" means the Commissioner of the Department of Motor Vehicles of the

1412 Commonwealth.

1413 "Crosswalk" means that part of a roadway at an intersection included within the connections of the  
1414 lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the  
1415 absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an  
1416 intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the  
1417 surface.

1418 "Decal" means a device to be attached to a license plate that validates the license plate for a  
1419 predetermined registration period.

1420 "Department" means the Department of Motor Vehicles of the Commonwealth.

1421 "Disabled parking license plate" means a license plate that displays the international symbol of access  
1422 in the same size as the numbers and letters on the plate and in a color that contrasts with the  
1423 background.

1424 "Disabled veteran" means a veteran who (i) has either lost, or lost the use of, a leg, arm, or hand;  
1425 (ii) is blind; or (iii) is permanently and totally disabled as certified by the U.S. Veterans Administration.  
1426 A veteran shall be considered blind if he has a permanent impairment of both eyes to the following  
1427 extent: (i) central visual acuity of 20/200 or less in the better eye, with corrective lenses, or central  
1428 visual acuity of more than 20/200, if there is a field defect in which the peripheral field has contracted  
1429 to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20  
1430 degrees in the better eye.

1431 "Driver's license" means any license, including a commercial driver's license as defined in the  
1432 Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), issued under the laws of the  
1433 Commonwealth authorizing the operation of a motor vehicle.

1434 "Electric personal assistive mobility device" means a self-balancing two-nontandem-wheeled device  
1435 that is designed to transport only one person and powered by an electric propulsion system that limits  
1436 the device's maximum speed to 15 miles per hour or less. For purposes of Chapter 8 of this title, an  
1437 electric personal assistive mobility device shall be a vehicle when operated on a highway.

1438 "Electric power-assisted bicycle" means a bicycle equipped with an electric motor that reduces the  
1439 pedal effort required of the rider, but does not eliminate the rider's need to pedal. For the purposes of  
1440 Chapter 8 of this title, an electric power-assisted bicycle shall be a vehicle when operated on a highway.

1441 "Essential parts" means all integral parts and body parts, the removal, alteration, or substitution of  
1442 which will tend to conceal the identity of a vehicle.

1443 "Farm tractor" means every motor vehicle designed and used as a farm, agricultural, or horticultural  
1444 implement for drawing plows, mowing machines, and other farm, agricultural, or horticultural machinery  
1445 and implements including self-propelled mowers designed and used for mowing lawns.

1446 "Federal safety requirements" means applicable provisions of 49 U.S.C. § 30101 et seq. and all  
1447 administrative regulations and policies adopted pursuant thereto.

1448 "Financial responsibility" means the ability to respond in damages for liability thereafter incurred  
1449 arising out of the ownership, maintenance, use, or operation of a motor vehicle, in the amounts provided  
1450 for in § 46.2-472.

1451 "Foreign market vehicle" means any motor vehicle originally manufactured outside the United States,  
1452 which was not manufactured in accordance with 49 U.S.C. § 30101 et seq. and the policies and  
1453 regulations adopted pursuant to that Act, and for which a Virginia title or registration is sought.

1454 "Foreign vehicle" means every motor vehicle, trailer, or semitrailer that is brought into the  
1455 Commonwealth otherwise than in the ordinary course of business by or through a manufacturer or dealer  
1456 and that has not been registered in the Commonwealth.

1457 "Golf cart" means a self-propelled vehicle that is designed to transport persons playing golf and their  
1458 equipment on a golf course.

1459 "Governing body" means the board of supervisors of a county, council of a city, or council of a  
1460 town, as context may require.

1461 "Gross weight" means the aggregate weight of a vehicle or combination of vehicles and the load  
1462 thereon.

1463 "Highway" means the entire width between the boundary lines of every way or place open to the use  
1464 of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys,  
1465 and, for law-enforcement purposes, the entire width between the boundary lines of all private roads or  
1466 private streets that have been specifically designated "highways" by an ordinance adopted by the  
1467 governing body of the county, city, or town in which such private roads or streets are located.

1468 "Intersection" means (i) the area embraced within the prolongation or connection of the lateral  
1469 curblines or, if none, then the lateral boundary lines of the roadways of two highways that join one  
1470 another at, or approximately at, right angles, or the area within which vehicles traveling on different  
1471 highways joining at any other angle may come in conflict; (ii) where a highway includes two roadways  
1472 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting  
1473 highway shall be regarded as a separate intersection, in the event such intersecting highway also



includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection; or (iii) for purposes only of authorizing installation of traffic-control devices, every crossing of a highway or street at grade by a pedestrian crosswalk.

"Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make arrests for violations of this title or local ordinances authorized by law. For the purposes of access to law-enforcement databases regarding motor vehicle registration and ownership only, this term shall also include city and county commissioners of the revenue and treasurers, together with their duly designated deputies and employees, when such officials are actually engaged in the enforcement of §§ 46.2-752, 46.2-753 and 46.2-754 and local ordinances enacted thereunder.

"License plate" means a device containing letters, numerals, or a combination of both, attached to a motor vehicle, trailer, or semitrailer to indicate that the vehicle is properly registered with the Department.

"Light" means a device for producing illumination or the illumination produced by the device.

"Low-speed vehicle" means any four-wheeled electrically-powered vehicle, except a motor vehicle or low-speed vehicle that is used exclusively for agricultural or horticultural purposes or a golf cart, whose maximum speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations, § 571.500.

"Manufactured home" means a structure subject to federal regulation, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

"Moped" means a conveyance that is either (i) a bicycle-like device with pedals and a helper motor that is rated at no more than two brake horsepower and that produces speeds up to a maximum of 30 miles per hour or (ii) a motorcycle with an engine displacement of 50 cubic centimeters or less and a maximum speed of less than 30 miles per hour. For purposes of Chapter 8 (§ 46.2-800 et seq.) of this title, a moped shall be a vehicle while operated on a highway.

"Motor home" means every private motor vehicle with a normal seating capacity of not more than 10 persons, including the driver, designed primarily for use as living quarters for human beings.

"Motor vehicle" means every vehicle as defined in this section that is self-propelled or designed for self-propulsion except as otherwise provided in this title. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a motor vehicle. For the purposes of this title, any device herein defined as a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped shall be deemed not to be a motor vehicle.

"Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any vehicle included within the term "farm tractor" or "moped" as defined in this section.

"Nonresident" means every person who is not domiciled in the Commonwealth, except: (i) any foreign corporation that is authorized to do business in the Commonwealth by the State Corporation Commission shall be a resident of the Commonwealth for the purpose of this title; in the case of corporations incorporated in the Commonwealth but doing business outside the Commonwealth, only such principal place of business or branches located within the Commonwealth shall be dealt with as residents of the Commonwealth; (ii) a person who becomes engaged in a gainful occupation in the Commonwealth for a period exceeding 60 days shall be a resident for the purposes of this title except for the purposes of Chapter 3 (§ 46.2-300 et seq.) of this title; (iii) a person, other than a nonresident student as defined in this section, who has actually resided in the Commonwealth for a period of six months, whether employed or not, or who has registered a motor vehicle, listing an address in the Commonwealth in the application for registration shall be deemed a resident for the purposes of this title, except for the purposes of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

"Nonresident student" means every nonresident person who is enrolled as a full-time student in an accredited institution of learning in the Commonwealth and who is not gainfully employed.

"Operation or use for rent or for hire, for the transportation of passengers, or as a property carrier for compensation," and "business of transporting persons or property" mean any owner or operator of any motor vehicle, trailer, or semitrailer operating over the highways in the Commonwealth who accepts or receives compensation for the service, directly or indirectly; but these terms do not mean a "truck lessor" as defined in this section and do not include persons or businesses that receive compensation for delivering a product that they themselves sell or produce, where a separate charge is made for delivery of the product or the cost of delivery is included in the sale price of the product, but where the person

1535 or business does not derive all or a substantial portion of its income from the transportation of persons  
1536 or property except as part of a sales transaction.

1537 "Operator" or "driver" means every person who either (i) drives or is in actual physical control of a  
1538 motor vehicle on a highway or (ii) is exercising control over or steering a vehicle being towed by a  
1539 motor vehicle.

1540 "Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of  
1541 an agreement for its conditional sale or lease with the right of purchase on performance of the  
1542 conditions stated in the agreement and with an immediate right of possession vested in the conditional  
1543 vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or  
1544 lessee or mortgagor shall be the owner for the purpose of this title. In all such instances when the rent  
1545 paid by the lessee includes charges for services of any nature or when the lease does not provide that  
1546 title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner  
1547 of the vehicle, and the vehicle shall be subject to such requirements of this title as are applicable to  
1548 vehicles operated for compensation. A "truck lessor" as defined in this section shall be regarded as the  
1549 owner, and his vehicles shall be subject to such requirements of this title as are applicable to vehicles of  
1550 private carriers.

1551 "Passenger car" means every motor vehicle other than a motorcycle designed and used primarily for  
1552 the transportation of no more than 10 persons including the driver.

1553 "Payment device" means any credit card as defined in 15 U.S.C. § 1602(k) or any "accepted card or  
1554 other means of access" set forth in 15 U.S.C. § 1693a(1). For the purposes of this title, this definition  
1555 shall also include a card that enables a person to pay for transactions through the use of value stored on  
1556 the card itself.

1557 "Pickup or panel truck" means every motor vehicle designed for the transportation of property and  
1558 having a registered gross weight of 7,500 pounds or less.

1559 "Private road or driveway" means every way in private ownership and used for vehicular travel by  
1560 the owner and those having express or implied permission from the owner, but not by other persons.

1561 "Reconstructed vehicle" means every vehicle of a type required to be registered under this title  
1562 materially altered from its original construction by the removal, addition, or substitution of new or used  
1563 essential parts.

1564 "Residence district" means the territory contiguous to a highway, not comprising a business district,  
1565 where 75 percent or more of the property abutting such highway, on either side of the highway, for a  
1566 distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is  
1567 occupied by dwellings, or consists of land or buildings in use for business purposes.

1568 "Revoke" or "revocation" means that the document or privilege revoked is not subject to renewal or  
1569 restoration except through reapplication after the expiration of the period of revocation.

1570 "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular  
1571 travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical  
1572 barrier or barriers or an unpaved area.

1573 "Safety zone" means the area officially set apart within a roadway for the exclusive use of  
1574 pedestrians and that is protected or is so marked or indicated by plainly visible signs.

1575 "School bus" means any motor vehicle, other than a station wagon, automobile, truck, or commercial  
1576 bus, which is: (i) designed and used primarily for the transportation of pupils to and from public, private  
1577 or ~~parochial~~ religious schools, or used for the transportation of the mentally or physically handicapped  
1578 to and from a sheltered workshop; (ii) painted yellow and bears the words "School Bus" in black letters  
1579 of a specified size on front and rear; and (iii) is equipped with warning devices prescribed in  
1580 § 46.2-1090. A yellow school bus may have a white roof provided such vehicle is painted in accordance  
1581 with regulations promulgated by the Department of Education.

1582 "Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a  
1583 motor vehicle that some part of its own weight and that of its own load rests on or is carried by another  
1584 vehicle.

1585 "Shared-use path" means a bikeway that is physically separated from motorized vehicular traffic by  
1586 an open space or barrier and is located either within the highway right-of-way or within a separate  
1587 right-of-way. Shared-use paths may also be used by pedestrians, skaters, users of wheel chairs or wheel  
1588 chair conveyances, joggers, and other nonmotorized users.

1589 "Shoulder" means that part of a highway between the portion regularly travelled by vehicular traffic  
1590 and the lateral curbline or ditch.

1591 "Sidewalk" means the portion of a street between the curb lines, or the lateral lines of a roadway,  
1592 and the adjacent property lines, intended for use by pedestrians.

1593 "Snowmobile" means a self-propelled vehicle designed to travel on snow or ice, steered by skis or  
1594 runners, and supported in whole or in part by one or more skis, belts, or cleats.

1595 "Specially constructed vehicle" means any vehicle that was not originally constructed under a  
1596 distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not a

reconstructed vehicle as herein defined.

"Stinger-steered automobile or watercraft transporter" means an automobile or watercraft transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame behind and below the rearmost axle of the power unit.

"Superintendent" means the Superintendent of the Department of State Police of the Commonwealth.

"Suspend" or "suspension" means that the document or privilege suspended has been temporarily withdrawn, but may be reinstated following the period of suspension unless it has expired prior to the end of the period of suspension.

"Towing and recovery operator" means a person engaged in the business of (i) removing disabled vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping and (ii) restoring to the highway or other location where they either can be operated or removed to other locations for repair or safekeeping vehicles that have come to rest in places where they cannot be operated.

"Tractor truck" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

"Traffic infraction" means a violation of law punishable as provided in § 46.2-113, which is neither a felony nor a misdemeanor.

"Traffic lane" or "lane" means that portion of a roadway designed or designated to accommodate the forward movement of a single line of vehicles.

"Trailer" means every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, including manufactured homes.

"Truck" means every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of 7,500 pounds.

"Truck lessor" means a person who holds the legal title to any motor vehicle, trailer, or semitrailer that is the subject of a bona fide written lease for a term of one year or more to another person, provided that: (i) neither the lessor nor the lessee is a common carrier by motor vehicle or restricted common carrier by motor vehicle or contract carrier by motor vehicle as defined in § 46.2-2000; (ii) the leased motor vehicle, trailer, or semitrailer is used exclusively for the transportation of property of the lessee; (iii) the lessor is not employed in any capacity by the lessee; (iv) the operator of the leased motor vehicle is a bona fide employee of the lessee and is not employed in any capacity by the lessor; and (v) a true copy of the lease, verified by affidavit of the lessor, is filed with the Commissioner.

"Utility vehicle" means a motor vehicle that is (i) designed for off-road use, (ii) powered by an engine of no more than 25 horsepower, and (iii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include all-terrain vehicles as defined in § 46.2-915.1, riding lawn mowers, or any other vehicle whose definition is included in this section.

"Vehicle" means every device in, on or by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks. For the purposes of Chapter 8 (§ 46.2-800 et seq.) of this title, bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds shall be vehicles while operated on a highway.

"Wheel chair or wheel chair conveyance" means a chair or seat equipped with wheels, typically used to provide mobility for persons who, by reason of physical disability, are otherwise unable to move about as pedestrians. The term includes both three-wheeled and four-wheeled devices. So long as it is operated only as provided in § 46.2-677, a self-propelled wheel chair or self-propelled wheel chair conveyance shall not be considered a motor vehicle.

§ 46.2-917. Operation of yellow motor vehicles of certain seating capacity on state highways prohibited; exceptions; penalty.

It shall be unlawful for any motor vehicle licensed in Virginia having a seating capacity of more than ~~fifteen~~ 15 persons to be operated on the highways of the Commonwealth if it is yellow, unless it is used in transporting students who attend public, private, or ~~parochial~~ religious schools or used in transporting the elderly or mentally or physically handicapped persons.

Any violation of this section shall constitute a Class 1 misdemeanor.

§ 46.2-918. School buses to be routed so as to avoid necessity of pupils' crossing divided highways.

All school buses transporting pupils to and from all public, private, or ~~parochial~~ religious schools or in connection with such schools, operating on any highway in the Commonwealth which has two or more roadways separated by a physical barrier or barriers or an unpaved area, or which have five or more lanes the center lane of which is a flush median marked for use by turning traffic only, shall be routed so that no pupil shall be picked up or discharged at any point which will require any pupil to cross such highway as described in this section, in order for such pupil to reach such bus or to return to his residence. Any violation of this section shall constitute a Class 1 misdemeanor.

1658 § 54.1-3482. Certain experience and referrals required; unlawful to practice physical therapist  
1659 assistance except under the direction and control of a licensed physical therapist.

1660 A. It shall be unlawful for a person to engage in the practice of physical therapy except as a licensed  
1661 physical therapist, upon the referral and direction of a licensed doctor of medicine, osteopathy,  
1662 chiropractic, podiatry, dental surgery, licensed nurse practitioner as authorized in his practice protocol, or  
1663 a licensed physician assistant acting under the supervision of a licensed physician, except as provided in  
1664 this section.

1665 B. After completing a three-year period of active practice upon the referral and direction of a  
1666 licensed doctor of medicine, osteopathy, chiropractic, podiatry, dental surgery, licensed nurse practitioner  
1667 as authorized in his practice protocol, or a licensed physician assistant acting under the supervision of a  
1668 licensed physician, a physical therapist may treat a patient for no more than 14 consecutive calendar  
1669 days without a referral under the following conditions: (i) the patient has previously been referred to a  
1670 physical therapist for physical therapy services by a licensed doctor of medicine, osteopathy,  
1671 chiropractic, podiatry, dental surgery, licensed nurse practitioner as authorized in his practice protocol, or  
1672 a licensed physician assistant acting under the supervision of a licensed physician; (ii) the patient's  
1673 referral for physical therapy was made within two years from the date the physical therapist implements  
1674 a program of physical therapy treatment without referral and direction; (iii) the physical therapy being  
1675 provided to the patient without referral and direction is for the same injury, disease or condition as  
1676 indicated in the referral of the licensed doctor of medicine, osteopathy, chiropractic, podiatry, dental  
1677 surgery, or licensed physician assistant acting under the supervision of a licensed physician; and (iv) the  
1678 physical therapist notifies the practitioner identified by the patient no later than three days after  
1679 treatment commences. Treatment for more than 14 consecutive calendar days of such patient shall only  
1680 be upon the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry,  
1681 dental surgery, licensed nurse practitioner as authorized in his practice protocol, or a licensed physician  
1682 assistant acting under the supervision of a licensed physician.

1683 In addition, after completing a three-year period of active practice upon the referral and direction of  
1684 a licensed doctor of medicine, osteopathy, chiropractic, podiatry, dental surgery, licensed nurse  
1685 practitioner as authorized in his practice protocol, or a licensed physician assistant acting under the  
1686 supervision of a licensed physician, a physical therapist may conduct a one-time evaluation, that does  
1687 not include treatment, of a patient who does not meet the conditions established in (i) through (iv)  
1688 without the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry,  
1689 dental surgery, licensed nurse practitioner as authorized in his practice protocol, or a licensed physician  
1690 assistant acting under the supervision of a licensed physician; if appropriate, the physical therapist shall  
1691 immediately refer such patient to the appropriate practitioner.

1692 C. Invasive procedures within the scope of practice of physical therapy shall at all times be  
1693 performed only under the referral and direction of a licensed doctor of medicine, osteopathy,  
1694 chiropractic, podiatry, dental surgery, licensed nurse practitioner as authorized in his practice protocol, or  
1695 a licensed physician assistant acting under the supervision of a licensed physician.

1696 D. It shall be unlawful for any licensed physical therapist to fail to immediately refer any patient to a  
1697 licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, or a licensed nurse  
1698 practitioner as authorized in his practice protocol, whose medical condition is determined, at the time of  
1699 evaluation or treatment, to be beyond the physical therapist's scope of practice. Upon determining that  
1700 the patient's medical condition is beyond the scope of practice of a physical therapist, a physical  
1701 therapist shall immediately refer such patient to an appropriate practitioner.

1702 E. Any person licensed as a physical therapist assistant shall perform his duties only under the  
1703 direction and control of a licensed physical therapist.

1704 F. However, a licensed physical therapist may provide, without referral or supervision, physical  
1705 therapy services to (i) a student athlete participating in a school-sponsored athletic activity while such  
1706 student is at such activity in a public, private, ~~denominational or parochial~~ religious elementary, middle  
1707 or high school, or public or private institution of higher education when such services are rendered by a  
1708 licensed physical therapist who is certified as an athletic trainer by the National Athletic Trainers'  
1709 Association Board of Certification or as a sports certified specialist by the American Board of Physical  
1710 Therapy Specialties; (ii) employees solely for the purpose of evaluation and consultation related to  
1711 workplace ergonomics; (iii) special education students who, by virtue of their individualized education  
1712 plans (IEPs), need physical therapy services to fulfill the provisions of their IEPs; (iv) the public for the  
1713 purpose of wellness, fitness, and health screenings; (v) the public for the purpose of health promotion  
1714 and education; and (vi) the public for the purpose of prevention of impairments, functional limitations,  
1715 and disabilities.

1716 § 54.1-3501. Exemption from requirements of licensure.

1717 The requirements for licensure in this chapter shall not be applicable to:

1718 1. Persons who render services that are like or similar to those falling within the scope of the  
1719 classifications or categories in this chapter, including persons acting as members of substance abuse

self-help groups, so long as the recipients or beneficiaries of such services are not subject to any charge or fee, or any financial requirement, actual or implied, and the person rendering such service is not held out, by himself or otherwise, as a person licensed under this chapter.

2. The activities or services of a student pursuing a course of study in counseling, substance abuse treatment or marriage and family therapy in an institution accredited by an accrediting agency recognized by the Board or under the supervision of a person licensed or certified under this chapter, if such activities or services constitute a part of the student's course of study and are adequately supervised.

3. The activities, including marriage and family therapy, counseling, or substance abuse treatment, of rabbis, priests, ministers or clergymen of any religious denomination or sect church when such activities are within the scope of the performance of their regular or specialized ministerial duties, and no separate charge is made or when such activities are performed, whether with or without charge, for or under auspices or sponsorship, individually or in conjunction with others, of an established and legally cognizable a church, denomination or sect, and the person rendering service remains accountable to its established authority.

4. Persons employed as salaried employees or volunteers of the federal government, the Commonwealth, a locality, or of any agency established or funded, in whole or part, by any such governmental entity or of a private, nonprofit organization or agency sponsored or funded, in whole or part, by a community-based citizen group or organization. Any person who renders psychological services, as defined in Chapter 36 (§ 54.1-3600 et seq.) of this title, shall be subject to the requirements of that chapter. Any person who, in addition to the above enumerated employment, engages in an independent private practice shall not be exempt from the requirements for licensure.

5. Persons regularly employed by private business firms as personnel managers, deputies or assistants so long as their counseling activities relate only to employees of their employer and in respect to their employment.

6. Persons regulated by this Board as professional counselors or persons regulated by another board within the Department of Health Professions who provide, within the scope of their practice, marriage and family therapy, counseling or substance abuse treatment to individuals or groups.

§ 54.1-3601. Exemption from requirements of licensure.

The requirements for licensure provided for in this chapter shall not be applicable to:

1. Persons who render services that are like or similar to those falling within the scope of the classifications or categories in this chapter, so long as the recipients or beneficiaries of such services are not subject to any charge or fee, or any financial requirement, actual or implied, and the person rendering such service is not held out, by himself or otherwise, as a licensed practitioner or a provider of clinical or school psychology services.

2. The activities or services of a student pursuing a course of study in psychology in an institution accredited by an accrediting agency recognized by the Board or under the supervision of a practitioner licensed or certified under this chapter, if such activities or services constitute a part of his course of study and are adequately supervised.

3. The activities of rabbis, priests, ministers or clergymen of any religious denomination or sect church when such activities are within the scope of the performance of their regular or specialized ministerial duties, and no separate charge is made or when such activities are performed, whether with or without charge, for or under the auspices or sponsorship, individually or in conjunction with others, of an established and legally cognizable a church, denomination or sect, and the person rendering service remains accountable to its established authority.

4. Persons employed as salaried employees or volunteers of the federal government, the Commonwealth, a locality, or any agency established or funded, in whole or part, by any such governmental entity or of a private, nonprofit organization or agency sponsored or funded, in whole or part, by a community-based citizen group or organization, except that any such person who renders psychological services, as defined in this chapter, shall be (i) supervised by a licensed psychologist or clinical psychologist; (ii) licensed by the Department of Education as a school psychologist; or (iii) employed by a school for students with disabilities which is certified by the Board of Education. Any person who, in addition to the above enumerated employment, engages in an independent private practice shall not be exempt from the licensure requirements.

5. Persons regularly employed by private business firms as personnel managers, deputies or assistants so long as their counseling activities relate only to employees of their employer and in respect to their employment.

6. Any psychologist holding a license or certificate in another state, the District of Columbia, or a United States territory or foreign jurisdiction consulting with licensed psychologists in this Commonwealth.

7. Any psychologist holding a license or certificate in another state, the District of Columbia, or a

1781 United States territory or foreign jurisdiction when in Virginia temporarily and such psychologist has  
1782 been issued a temporary license by the Board to participate in continuing education programs or  
1783 rendering psychological services without compensation to any patient of any clinic which is organized in  
1784 whole or in part for the delivery of health care services without charge as provided in § 54.1-106.

1785 8. The performance of the duties of any commissioned or contract clinical psychologist in active  
1786 service in the army, navy, coast guard, marine corps, air force, or public health service of the United  
1787 States while such individual is so commissioned or serving.

1788 9. Any person performing services in the lawful conduct of his particular profession or business  
1789 under state law.

1790 10. Any person duly licensed as a psychologist in another state or the District of Columbia who  
1791 testifies as a treating psychologist or who is employed as an expert for the purpose of possibly testifying  
1792 as an expert witness.

1793 § 54.1-3701. Exemption from requirements of licensure.

1794 The requirements for licensure provided for in this chapter shall not be applicable to:

1795 1. Persons who render services that are like or similar to those falling within the scope of the  
1796 classifications or categories in this chapter, so long as the recipients or beneficiaries of such services are  
1797 not subject to any charge or fee, or any financial requirement, actual or implied, and the person  
1798 rendering such service is not held out, by himself or otherwise, as a licensed practitioner.

1799 2. The activities or services of a student pursuing a course of study in social work in an institution  
1800 recognized by the Board for purposes of licensure upon completion of the course of study or under the  
1801 supervision of a practitioner licensed under this chapter; if such activities or services constitute a part of  
1802 his course of study and are adequately supervised.

1803 3. The activities of ~~rabbis, priests, ministers or clergymen~~ of any ~~religious denomination or sect~~  
1804 ~~church~~ when such activities are within the scope of the performance of their regular or specialized  
1805 ministerial duties, and no separate charge is made or when such activities are performed, whether with  
1806 or without charge, for or under auspices or sponsorship, individually or in conjunction with others, of ~~an~~  
1807 ~~established and legally cognizable a church, denomination or sect,~~ and the person rendering service  
1808 remains accountable to its established authority.

1809 4. Persons employed as salaried employees or volunteers of the federal government, the  
1810 Commonwealth, a locality, or of any agency established or funded, in whole or part, by any such  
1811 governmental entity or of a private, nonprofit organization or agency sponsored or funded, in whole or  
1812 part, by a community-based citizen group or organization. Any person who renders psychological  
1813 services, as defined in Chapter 36 (§ 54.1-3600 et seq.) of this title, shall be subject to the requirements  
1814 of that chapter. Any person who, in addition to the above enumerated employment, engages in an  
1815 independent private practice shall not be exempt from the requirements for licensure.

1816 5. Persons regularly employed by private business firms as personnel managers, deputies or assistants  
1817 so long as their counseling activities relate only to employees of their employer and in respect to their  
1818 employment.

1819 § 56-236.1. Rates to be charged churches.

1820 No electric utility, subject to regulation by the Commission, shall charge a church for its services by  
1821 any method other than actual kilowatt hour consumption; nor shall any such electric utility charge a  
1822 church for its electrical service at a rate in excess of the applicable residential rate for the area in which  
1823 it is located. As used in this section, "church" shall be limited to the ~~synagogue or~~ church building in  
1824 which the sanctuary or principal place of worship is located and to all educational buildings which are  
1825 physically attached by enclosed corridors or hallways to the building in which the sanctuary or principal  
1826 place of worship is located.

1827 Notwithstanding the requirements of the first sentence of this section, the Commission may, after a  
1828 hearing upon application by an electric utility, set a rate for churches in excess of the applicable  
1829 residential rate if the utility proves that the cost of service for churches exceeds the cost of service for  
1830 those other customers under the residential rate. In setting such a rate, the Commission shall consider  
1831 the special use characteristics of churches, such as the amount of electricity utilized during off-peak  
1832 power periods for the utility. The provisions of this section shall not apply to churches which are served  
1833 by an electric utility having a time of usage rate approved by the Commission and which have elected  
1834 to be on such time of usage rate.

1835 § 63.2-100. Definitions.

1836 As used in this title, unless the context requires a different meaning:

1837 "Abused or neglected child" means any child less than 18 years of age:

1838 1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or  
1839 inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than  
1840 accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental  
1841 functions, including but not limited to, a child who is with his parent or other person responsible for his  
1842 care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled

substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

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

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

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

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

If a civil proceeding under this title is based solely on the parent having left the child at a hospital or rescue squad, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended rescue squad that employs emergency medical technicians, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult.

"Adult day care center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Mental Health, Mental Retardation and Substance Abuse Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

"Adult exploitation" means the illegal use of an incapacitated adult or his resources for another's profit or advantage.

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults.

"Adult neglect" means that an adult is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being.

"Adult protective services" means services provided by the local department that are necessary to protect an adult from abuse, neglect or exploitation.

"Assisted living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least a moderate level of assistance with activities of daily living.

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Mental Health, Mental Retardation and Substance Abuse Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.) of this title, but including any portion of the facility not so licensed; and (iv) any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to

1904 a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the  
1905 protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or  
1906 disabled individual.

1907 "Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who  
1908 receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive  
1909 these benefits except for excess income.

1910 "Birth family" or "birth sibling" means the child's biological family or biological sibling.

1911 "Birth parent" means the child's biological parent and, for purposes of adoptive placement, means  
1912 parent(s) by previous adoption.

1913 "Board" means the State Board of Social Services.

1914 "Child" means any natural person under 18 years of age.

1915 "Child day center" means a child day program offered to (i) two or more children under the age of  
1916 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or  
1917 more children at any location.

1918 "Child day program" means a regularly operating service arrangement for children where, during the  
1919 absence of a parent or guardian, a person or organization has agreed to assume responsibility for the  
1920 supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

1921 "Child-placing agency" means any person who places children in foster homes, adoptive homes or  
1922 independent living arrangements pursuant to § 63.2-1819 or a local board that places children in foster  
1923 homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903 and 63.2-1221. Officers, employees, or  
1924 agents of the Commonwealth, or any locality acting within the scope of their authority as such, who  
1925 serve as or maintain a child-placing agency, shall not be required to be licensed.

1926 "Child-protective services" means the identification, receipt and immediate response to complaints  
1927 and reports of alleged child abuse or neglect for children under 18 years of age. It also includes  
1928 assessment, and arranging for and providing necessary protective and rehabilitative services for a child  
1929 and his family when the child has been found to have been abused or neglected or is at risk of being  
1930 abused or neglected.

1931 "Child support services" means any civil, criminal or administrative action taken by the Division of  
1932 Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or  
1933 collect child support, or child and spousal support.

1934 "Child-welfare agency" means a child day center, child-placing agency, children's residential facility,  
1935 family day home, family day system, or independent foster home.

1936 "Children's residential facility" means any facility, child-caring institution, or group home that is  
1937 maintained for the purpose of receiving children separated from their parents or guardians for full-time  
1938 care, maintenance, protection and guidance, or for the purpose of providing independent living services  
1939 to persons between 18 and 21 years of age who are in the process of transitioning out of foster care.  
1940 Children's residential facility shall not include:

1941 1. A licensed or accredited educational institution whose pupils, in the ordinary course of events,  
1942 return annually to the homes of their parents or guardians for not less than two months of summer  
1943 vacation;

1944 2. An establishment required to be licensed as a summer camp by § 35.1-18; and

1945 3. A licensed or accredited hospital legally maintained as such.

1946 "Commissioner" means the Commissioner of the Department, his designee or authorized  
1947 representative.

1948 "Department" means the State Department of Social Services.

1949 "Department of Health and Human Services" means the Department of Health and Human Services  
1950 of the United States government or any department or agency thereof that may hereafter be designated  
1951 as the agency to administer the Social Security Act, as amended.

1952 "Disposable income" means that part of the income due and payable of any individual remaining  
1953 after the deduction of any amount required by law to be withheld.

1954 "Energy assistance" means benefits to assist low-income households with their home heating and  
1955 cooling needs, including, but not limited to, purchase of materials or substances used for home heating,  
1956 repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or  
1957 repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance  
1958 with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the  
1959 Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35), as amended.

1960 "Family day home" means a child day program offered in the residence of the provider or the home  
1961 of any of the children in care for one through 12 children under the age of 13, exclusive of the  
1962 provider's own children and any children who reside in the home, when at least one child receives care  
1963 for compensation. The provider of a licensed or registered family day home shall disclose to the parents  
1964 or guardians of children in their care the percentage of time per week that persons other than the  
1965 provider will care for the children. Family day homes serving six through 12 children, exclusive of the



1966 provider's own children and any children who reside in the home, shall be licensed. However, no family  
 1967 day home shall care for more than four children under the age of two, including the provider's own  
 1968 children and any children who reside in the home, unless the family day home is licensed or voluntarily  
 1969 registered. However, a family day home where the children in care are all grandchildren of the provider  
 1970 shall not be required to be licensed.

1971 "Family day system" means any person who approves family day homes as members of its system;  
 1972 who refers children to available family day homes in that system; and who, through contractual  
 1973 arrangement, may provide central administrative functions including, but not limited to, training of  
 1974 operators of member homes; technical assistance and consultation to operators of member homes;  
 1975 inspection, supervision, monitoring, and evaluation of member homes; and referral of children to  
 1976 available health and social services.

1977 "Foster care placement" means placement of a child through (i) an agreement between the parents or  
 1978 guardians and the local board or the public agency designated by the community policy and  
 1979 management team where legal custody remains with the parents or guardians or (ii) an entrustment or  
 1980 commitment of the child to the local board or licensed child-placing agency.

1981 "Foster home" means the place of residence of any natural person in which any child, other than a  
 1982 child by birth or adoption of such person, resides as a member of the household.

1983 "General relief" means money payments and other forms of relief made to those persons mentioned  
 1984 in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with  
 1985 § 63.2-401.

1986 "Independent foster home" means a private family home in which any child, other than a child by  
 1987 birth or adoption of such person, resides as a member of the household and has been placed therein  
 1988 independently of a child-placing agency except (i) a home in which are received only children related by  
 1989 birth or adoption of the person who maintains such home and children of personal friends of such  
 1990 person and (ii) a home in which is received a child or children committed under the provisions of  
 1991 subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8.

1992 "Independent living" means a program of services and activities for children in foster care who are  
 1993 16 years of age or older, and persons who are former foster care children between the ages of 18 and  
 1994 21, that prepares them for the successful transition from foster care to self sufficiency.

1995 "Independent living placement" means placement of a child at least 16 years of age who is in the  
 1996 custody of a local board or licensed child-placing agency and has been placed by the local board or  
 1997 licensed child-placing agency in a living arrangement in which he does not have daily substitute parental  
 1998 supervision.

1999 "Independent physician" means a physician who is chosen by the resident of the assisted living  
 2000 facility and who has no financial interest in the assisted living facility, directly or indirectly, as an  
 2001 owner, officer, or employee or as an independent contractor with the residence.

2002 "Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster  
 2003 care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other  
 2004 entity authorized to make such placements in accordance with the laws of the foreign country under  
 2005 which it operates.

2006 "Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care  
 2007 placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of  
 2008 the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or  
 2009 nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the  
 2010 action of any court.

2011 "Kinship care" means the full-time care, nurturing, and protection of children by relatives.

2012 "Local board" means the local board of social services representing one or more counties or cities.

2013 "Local department" means the local department of social services of any county or city in this  
 2014 Commonwealth.

2015 "Local director" means the director or his designated representative of the local department of the  
 2016 city or county.

2017 "Merit system plan" means those regulations adopted by the Board in the development and operation  
 2018 of a system of personnel administration meeting requirements of the federal Office of Personnel  
 2019 Management.

2020 "Parental placement" means locating or effecting the placement of a child or the placing of a child in  
 2021 a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

2022 "Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the  
 2023 aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child  
 2024 care; and general relief.

2025 "Qualified assessor" means an entity contracting with the Department of Medical Assistance Services  
 2026 to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for

2027 a home and community-based waiver program, including an independent physician contracting with the  
2028 Department of Medical Assistance Services to complete the uniform assessment instrument for residents  
2029 of assisted living facilities, or any hospital that has contracted with the Department of Medical  
2030 Assistance Services to perform nursing facility pre-admission screenings.

2031 "Registered family day home" means any family day home that has met the standards for voluntary  
2032 registration for such homes pursuant to regulations adopted by the Board and that has obtained a  
2033 certificate of registration from the Commissioner.

2034 "Residential living care" means a level of service provided by an assisted living facility for adults  
2035 who may have physical or mental impairments and require only minimal assistance with the activities of  
2036 daily living. The definition of "residential living care" includes the services provided by independent  
2037 living facilities that voluntarily become licensed.

2038 "Social services" means foster care, adoption, adoption assistance, adult services, adult protective  
2039 services, child-protective services, domestic violence services, or any other services program  
2040 implemented in accordance with regulations adopted by the Board.

2041 "Special order" means an order imposing an administrative sanction issued to any party licensed  
2042 pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A  
2043 special order shall be considered a case decision as defined in § 2.2-4001.

2044 (For effective date - See Editor's notes) "Subsidized custody" means the program, established  
2045 pursuant to § 63.2-913, of financial assistance and services for children who are placed in foster care  
2046 with relatives other than their natural parents and whose legal custody is subsequently transferred to  
2047 such relatives.

2048 "Temporary Assistance for Needy Families" or "TANF" means the program administered by the  
2049 Department through which a relative can receive monthly cash assistance for the support of his eligible  
2050 children.

2051 "Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the  
2052 Temporary Assistance for Needy Families program for families in which both natural or adoptive  
2053 parents of a child reside in the home and neither parent is exempt from the Virginia Initiative for  
2054 Employment Not Welfare (VIEW) participation under § 63.2-609.

2055 "Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social  
2056 Security Act, as amended, and administered by the Department through which foster care is provided on  
2057 behalf of qualifying children.