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**HOUSE BILL NO. 2697**

Offered January 12, 2005

Prefiled January 12, 2005

A BILL to amend and reenact §§ 1-13.27, 5.1-136, 8.01-400, 15.2-953, 15.2-5214, 15.2-5343, 16.1-319, 17.1-207, 18.2-314, 19.2-271.3, 23-50.16:12, 24.2-703.1, 24.2-705, 28.2-515, 28.2-530, 28.2-531, 29.1-514, 29.1-521, 40.1-28.2, 40.1-28.4, 46.2-694, 54.1-3001, 55-376, 58.1-811, 58.1-2259, 58.1-3402, 58.1-3606, 58.1-3617, 58.1-3703, 59.1-296, 59.1-313, 59.1-448, 60.2-213, 61.1-38, and 63.2-1509 of the Code of Virginia, and to amend the Code of Virginia by adding sections numbered 1-13.3:2 and 1-13.12:1, and to repeal §§ 8.01-289 and 40.1-28.3, of the Code of Virginia, relating to substantive changes to modernize laws governing churches.

Patrons—Scott, J.M.; Senator: Mims

Referred to Committee on General Laws

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

1. That §§ 1-13.27, 5.1-136, 8.01-400, 15.2-953, 15.2-5214, 15.2-5343, 16.1-319, 17.1-207, 18.2-314, 19.2-271.3, 23-50.16:12, 24.2-703.1, 24.2-705, 28.2-515, 28.2-530, 28.2-531, 29.1-514, 29.1-521, 40.1-28.2, 40.1-28.4, 46.2-694, 54.1-3001, 55-376, 58.1-811, 58.1-2259, 58.1-3402, 58.1-3606, 58.1-3617, 58.1-3703, 59.1-296, 59.1-313, 59.1-448, 60.2-213, 61.1-38, and 63.2-1509 of the Code of Virginia 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 (i) a religious entity having a distinctive body of theological tenets, beliefs, and practices, (ii) a congregation adhering to a distinctive body of theological tenets, beliefs, and practices, or (iii) a building in which a congregation regularly gathers for public worship including, but not limited to, a cathedral, chapel, meetinghouse, 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.

*§ 1-13.27. Saturdays, Sundays and holidays.*

When a court is directed to be held, or any other proceeding directed by law to take place, on a particular day of a month, if that day happens to be *Saturday*, Sunday, or any legal holiday within the meaning of § 2.2-3300, the court shall be held or the proceeding take place on the next day which is neither *Saturday*, Sunday nor such legal holiday. And when a law authorizes a court, or the proceedings of an officer, to be adjourned from day to day, an adjournment to the next day which is neither *Saturday*, Sunday nor such legal holiday shall be legal.

*§ 5.1-136. Free passes or reduced rates.*

No air carrier subject to the provisions of this chapter shall, directly or indirectly, issue or give any free ticket, free pass or free transportation for passengers, but nothing in this section shall apply (1) to the carriage, storage or handling of property free or at reduced rates, when such rates have been authorized or prescribed by the Commission for the United States, state or municipal governments, or for charitable purposes or to or from fairs and expositions for exhibition thereat, or (2) to the free carriage of homeless and destitute persons and the necessary agents employed in such transportation, or (3) to mileage, excursion or commutation passenger tickets.

Nor shall anything in this section be construed to prohibit any air carrier from giving reduced rates or free passage to ministers of religion, or regular traveling secretaries of the Young Men's Christian Association or Young Women's Christian Association, whose duties require regular travel in supervising and directing Young Men's Christian or Young Women's Christian Association work, secretaries of duly organized religious work, or to indigent persons, or to inmates of the Confederate homes or State homes for disabled soldiers and sailors, or to disabled soldiers and sailors, including those about to enter, and those returning home after discharge; nor from giving free carriage to its own officers, employees, and members of their families, representatives of the press and members of the Department of State Police or to any other person or persons to whom the giving of such free carriage is not otherwise prohibited by the law; nor to prevent the principal officers of any air carrier from exchanging passes or tickets with other air carriers of any air, motor vehicle, steamship, or electric railway companies for their officers,

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59 employees and members of their families.

60 § 8.01-400. Communications between ministers of religion and persons they counsel or advise.

61 No ~~regular minister, priest, rabbi, or accredited practitioner~~ *person* over the age of ~~eighteen~~ 18 years,  
62 of any religious organization or denomination usually referred to as a *who is a minister of a church or*  
63 *religious body, or is an accredited religious practitioner who provides treatment by spiritual means*  
64 *alone through prayer in accordance with the tenets and practices of the accrediting church,* shall be  
65 required to give testimony as a witness or to relinquish notes, records or any written documentation  
66 made by such person, or disclose the contents of any such notes, records or written documentation, in  
67 discovery proceedings in any civil action which would disclose any information communicated to him in  
68 a confidential manner, properly entrusted to him in his professional capacity and necessary to enable  
69 him to discharge the functions of his office according to the usual course of his practice or discipline,  
70 wherein such person so communicating such information about himself or another is seeking spiritual  
71 counsel and advice relative to and growing out of the information so imparted.

72 § 15.2-953. Donations to charitable institutions and associations, volunteer and nonprofit  
73 organizations, chambers of commerce, etc.

74 A. Any locality may make appropriations of public funds, of personal property or of any real estate  
75 to the Virginia Indigent Health Care Trust Fund and to any charitable institution or association, located  
76 within their respective limits or outside their limits if such institution or association provides services to  
77 residents of the locality; however, such institution or association shall not be controlled in whole or in  
78 part by any church or ~~sectarian society~~. The words "~~sectarian society~~" shall not be construed to mean a  
79 ~~nondenominational Young Men's Christian Association, a nondenominational Young Women's Christian~~  
80 ~~Association or the Salvation Army~~ *religious body*. Nothing in this section shall be construed to prohibit  
81 any county or city from making contracts with any ~~sectarian~~ institution *controlled in whole or in part by*  
82 *any church or religious body* for the care of indigent, sick or injured persons.

83 B. Any locality may make gifts and donations of property, real or personal, or money, to (i) any  
84 charitable institution or nonprofit or other organization, providing housing for persons 60 years of age or  
85 older, or operating a hospital or nursing home;; (ii) any association or other organization furnishing  
86 voluntary fire-fighting services;; (iii) any nonprofit lifesaving crew or lifesaving organization, or rescue  
87 squad, within or outside the boundaries of the locality;; (iv) nonprofit recreational associations or  
88 organizations;; or (v) any nonprofit organization providing recreational or daycare services to persons 65  
89 years of age or older; in provision (iv) or (v) provided the nonprofit recreational association or  
90 organization is not controlled in whole or in part by any church or ~~sectarian society~~ *religious body*.  
91 Donations of property or money to any such charitable, nonprofit or other hospital or nursing home,  
92 institution or organization or nonprofit recreational associations or organizations may be made for  
93 construction purposes, for operating expenses, or both.

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

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

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

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

102 C. Any locality may by ordinance provide for payment to any volunteer rescue squad that meets the  
103 required minimum standards for such volunteer rescue squads set forth in the ordinance, a sum for each  
104 rescue call the volunteer rescue squad makes for an automobile accident in which a person has been  
105 injured on any of the highways or streets in the locality. In addition, unless otherwise prohibited by law,  
106 any locality may make appropriations of money to volunteer fire companies or rescue squads in an  
107 amount sufficient to enroll any qualified member of such volunteer fire company or rescue squad in any  
108 program available within the locality intended to defray out-of-pocket expenses for emergency  
109 ambulance transportation.

110 D. Nothing in this section shall be construed to obligate any locality to appropriate funds to any  
111 entity. Such charitable contribution shall be voluntary.

112 § 15.2-5214. Eminent domain.

113 The commission shall have the right to acquire by eminent domain any real property, including  
114 fixtures and improvements, which it deems necessary to carry out the purposes of this chapter after it  
115 adopts a resolution declaring that the acquisition of the property described therein is in the public  
116 interest and necessary for public use. The commission may exercise the power of eminent domain  
117 pursuant to the provisions of any applicable statutory provisions now in force or hereafter enacted for  
118 the exercise of the power of eminent domain by any locality.

119 Property already devoted to a public use may be acquired; however, no property belonging to any  
120 locality, government or religious or charitable corporation *other than an incorporated church* may be

acquired without its consent.

§ 15.2-5343. Eminent domain.

The authority shall have the right to acquire by eminent domain any real property, including fixtures and improvements, which it may deem necessary to carry out the purposes of this chapter after the adoption by it of a resolution declaring that the acquisition of the property described therein is in the public interest and necessary for public use. The authority may exercise the power of eminent domain pursuant to the provisions of Chapter 2 (§ 25.1-200 et seq.) of Title 25.1 and any applicable statutory provisions in force or hereafter enacted for the exercise of the power of eminent domain by cities.

Property already devoted to a public use may be acquired. No property belonging to any locality, government or religious or charitable corporation *other than an incorporated church* may be acquired without its consent.

§ 16.1-319. Acquisition of property by commission.

The commission shall have the right to acquire by eminent domain any real property, including fixtures and improvements, which it may deem necessary to carry out the purposes of this article, after the adoption by it of a resolution declaring that the acquisition of the property described therein is in the public interest and necessary for public use; provided, however, that no such real property shall be so acquired or such facility established within the territorial limits of such political subdivision without the approval, after public hearing, of the governing body of such political subdivision.

Subject to the provisions of § 25.1-102, property already devoted to a public use may be acquired, provided, that no property belonging to any county or city or to any religious or charitable corporation *other than an incorporated church* may be acquired without its consent.

§ 17.1-207. Days of operation of clerks' offices.

A. The clerk's office of every court shall be kept open on every day except Saturday *and Sunday*, except as provided in subsection B, ~~and Sunday~~, and the days provided for in § 2.2-3300, for the transaction of business; provided that:

1. The clerk's office of the circuit court of any county or city may be closed on any day which is established as a general holiday for the employees of such county or city by a resolution duly adopted by the governing body of such county or city and approved by the judge or judges of the circuit court and filed in the office of the clerk; provided that such general holiday shall have the same force and effect as a legal holiday as set forth in § 1-13.3:1;

2. The judge or judges of any circuit court in any county or city may authorize the clerk of such court to close the clerk's office on Christmas Eve; provided that the closing of any clerk's office as provided by this subdivision shall have the same force and effect as a legal holiday as set forth in § 1-13.3:1;

3. The chief judge or presiding judge of any circuit court may authorize the clerk of the court to close the clerk's office on any day when the chief judge or presiding judge determines that operation of the clerk's office, under prevailing conditions, would constitute a threat to the health and safety of the clerk's office personnel or the general public. Closing of the clerk's office pursuant to this subdivision shall have the same effect as provided in § 1-13.3:1;

4. The judge or judges of the circuit court of any county or city may authorize the clerk of such court to close the clerk's office on any day or portion of a day which the Governor declares as a holiday for state employees, or on any day or portion of a day on which the Governor authorizes state offices to be closed; provided that such closing of any clerk's office shall have the same force and effect as a legal holiday as set forth in § 1-13.3:1.

Except for closings pursuant to subdivision 3, whenever the authorization of the judge is necessary to close a clerk's office and a court has more than one judge, the authorization of all such judges shall be necessary.

The judge of the circuit court of any county or city may require the clerk's office to be kept open continuously for the transaction of business during convenient hours on all the days on which it is required by this section to be kept open.

B. Nothing in this section shall be construed to prohibit the clerk, with the approval of the chief judge, to open the clerk's office on Saturdays *or Sundays*, during such hours as the chief judge may authorize, solely for the purposes of (i) permitting examination and copying of court records, (ii) accepting applications for and granting licenses pursuant to applicable law, and (iii) recording instruments. For all other purposes, including without limitation the filing of actions at law and suits in equity and all pleadings, pleas and motions therein, such clerk's office shall be closed with the force and effect of a statutory closing as provided in § 1-13.3:1.

§ 18.2-314. Failing to secure medical attention for injured child.

Any parent or other person having custody of a minor child which child shows evidence of need for medical attention as the result of physical injury inflicted by an act of any member of the household, whether the injury was intentional or unintentional, who knowingly fails or refuses to secure prompt and

adequate medical attention, or who conspires to prevent the securing of such attention, for such minor child, shall be guilty of a Class 1 misdemeanor; provided, however, that any parent or other person having custody of a minor child that is being furnished ~~Christian Science~~ *treatment solely by spiritual means through prayer in accordance with the tenets and practices of a church* by a ~~duly an~~ accredited ~~Christian Science~~ religious practitioner of such church shall not, for that reason alone, be considered in violation of this section.

§ 19.2-271.3. Communications between ministers of religion and persons they counsel or advise.

No ~~regular minister, priest, rabbi or accredited practitioner~~ *person* over the age of ~~eighteen~~ 18 years, of any religious organization or denomination usually referred to as a *who is a minister of a church or religious body, or is an accredited religious practitioner who provides treatment by spiritual means alone through prayer in accordance with the tenets and practices of the accrediting church*, shall be required in giving testimony as a witness in any criminal action to disclose any information communicated to him by the accused in a confidential manner, properly entrusted to him in his professional capacity and necessary to enable him to discharge the functions of his office according to the usual course of his practice or discipline, where such person so communicating such information about himself or another is seeking spiritual counsel and advice relative to and growing out of the information so imparted.

§ 23-50.16:12. Eminent domain.

The Authority may exercise the power of eminent domain pursuant to the provisions of Chapter 2 (§ 25.1-200 et seq.) of Title 25.1 to acquire by condemnation any real property, including fixtures and improvements, which it may deem necessary to carry out the purposes of this chapter, upon its adoption of a resolution declaring that the acquisition of such property is in the public interest and necessary for public use and upon the approval of the Governor. The Authority may acquire property already devoted to a public use, provided that no property belonging to any city, town or county or to any government or to any religious or charitable corporation *other than an incorporated church* may be acquired without its consent.

§ 24.2-703.1. Special annual applications for absentee ballots for certain ill or disabled voters.

Any person who is eligible for an absentee ballot under subdivision 4 of § 24.2-700 because of a physical disability or physical illness and who is likely to remain so disabled or ill for the remainder of the calendar year shall be eligible to file a special annual application to receive ballots for all elections in which he is eligible to vote in a calendar year. His first such application shall be accompanied by a statement, on a form prescribed by the State Board and signed by the voter and his physician or accredited religious practitioner, *who provides treatment by spiritual means alone through prayer in accordance with the tenets and practices of the accrediting church*, that the voter is eligible for an absentee ballot under subdivision 4 of § 24.2-700 because of a physical disability or physical illness and likely to remain so disabled or ill for the remainder of the calendar year.

In accordance with procedures established by the State Board, the general registrar shall retain the application and form, enroll the applicant on a special absentee voter applicant list, and process the applicant's request for an absentee ballot for each succeeding election in the calendar year. The applicant shall specify by party designation the primary ballots he is requesting.

The general registrar shall send each such enrolled applicant a blank application by December 15 for each ensuing calendar year, and upon completion thereof, the applicant shall be eligible to receive ballots for all elections in which he is eligible to vote in that calendar year.

If an official reply to the application or an absentee ballot sent to the applicant is returned as undeliverable, or the general registrar knows that the applicant is no longer a qualified voter, no ballot for any subsequent election shall be sent to the voter until a new application is filed and accepted.

§ 24.2-705. Emergency applications and absentee ballots for persons incapacitated or hospitalized.

Any person registered and otherwise qualified to vote who becomes incapacitated on or after the seventh day preceding an election may request at any time prior to 2:00 p.m. on the day preceding the election that an emergency absentee ballot application be delivered to him. A voter who becomes hospitalized on or after the fourteenth day preceding the election and who is unable, because of his condition, to request an absentee ballot earlier than the seventh day preceding the election may request at any time prior to 2:00 p.m. on the day before an election that an emergency absentee ballot be delivered to him in the hospital. For purposes of this section, "incapacitated" means hospitalized, ill and confined to his residence, bereaved by the death of a spouse, child, or parent, or otherwise incapacitated by an emergency which is found by the electoral board to justify providing an emergency ballot application; and "hospital" means a hospital as defined in § 32.1-123 and any comparable hospital in the District of Columbia or any state contiguous to Virginia.

On receipt of the request, the electoral board shall provide an emergency absentee ballot application to the incapacitated voter's designated representative who shall deliver the application to the voter. If the voter is hospitalized, the delivery shall be made to him at the hospital; and if the voter is otherwise incapacitated, the delivery shall be made to him at his current residence address as shown on the

registration records. The representative shall be age ~~eighteen~~ 18 or older and shall not be an elected official, a candidate for elected office, or the deputy, spouse, parent, or child of an elected official or candidate.

The application shall be on a form prescribed by the State Board and shall require the applicant (i) to state the cause of his incapacity, (ii) to state that he is unable to be present at the polls on election day, and that he was either incapacitated on or after the seventh day preceding the election or hospitalized on or after the fourteenth day preceding the election and unable to request the application earlier than the seventh day preceding the election, (iii) to designate a representative to receive, deliver and return the ballot, and (iv) to provide other information required by law for an absentee ballot application.

If the voter is hospitalized, a hospital administrative official or a licensed physician attending the applicant shall certify on the form to the hospitalization of the applicant and the applicant's inability to be present at the polls on election day. If the voter is ill and confined to his residence, a licensed physician or an accredited religious practitioner attending the applicant shall certify on the form to the incapacity of the applicant and the applicant's inability to be present at the polls on election day. If the voter is bereaved, a licensed physician, an accredited religious practitioner or a funeral service licensee (as defined in § 54.1-2800) shall certify on the form to the incapacity of the applicant and the applicant's inability to be present at the polls on election day. If the voter is otherwise incapacitated as determined by the electoral board, the secretary of the electoral board shall certify on the form to the incapacity of the applicant and the applicant's inability to be present at the polls on election day. The applicant shall sign the application and state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct. His signature shall be witnessed by the designated representative who shall sign and return the completed application to the office of the general registrar no later than 5:00 p.m. on the day preceding the election. For the purposes of this section, "accredited religious practitioner" means a person who has been trained in spiritual healing or the other healing arts and has been so accredited by a formal religious order provides treatment by spiritual means alone through prayer in accordance with the tenets and practices of the accrediting church.

On receipt of the completed application and a determination of the qualification of the applicant to vote, the general registrar or secretary of the electoral board shall provide, in accordance with the applicable provisions of this chapter, an absentee ballot to the designated representative for delivery to the incapacitated voter.

The incapacitated voter shall vote the absentee ballot as provided by law and mark it in the presence of the designated representative. The representative shall complete a statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, that (i) he is the representative of the incapacitated voter; (ii) he personally delivered the ballot to the voter who applied for it; (iii) in his presence, the voter marked the ballot, the ballot was placed in the envelope provided, the envelope was sealed, and the statement on its reverse side was signed by the incapacitated voter; and (iv) the ballot was returned, under seal, to the electoral board at the registrar's office.

The ballot shall be counted only if the ballot is received by the electoral board (i) prior to noon on the day of the election in any county, city, or town which does not have a central absentee voter election district or (ii) prior to the closing of the polls in any county, city, or town which has a central absentee voter precinct.

§ 28.2-515. Dredging or scraping on private ground; permit required.

Any resident of the Commonwealth holding under legal assignment an oyster-planting ground of at least three acres in one tract or adjoining tracts and having paid the rent may dredge or scrape his tracts at any time from sunrise until sunset, ~~except on Sunday~~ if the resident has obtained from the Commission a permit for each boat so used. The permit shall show the name of the lessee and the name or number of the boat, date of issue, and date of expiration. The expiration date shall not be more than 12 months from the date of issue and may be renewed for like periods. A special exemption may be granted on such a permit to allow dredging or scraping one hour prior to sunrise from June 15 to September 1, provided that the resident notify the Commission at least 24 hours prior to such activity. The Commission may, after a hearing, refuse to grant or renew a permit to dredge or scrape any oyster-planting ground unless it is proved that the holder has planted seed oysters or shells and is using the planting ground for the cultivation of oysters. The Commission may refuse to grant the permit if it appears at the hearing that the holder of the ground is a habitual violator of the seafood laws. An applicant for the permit shall have the right of appeal from any decision of the Commission refusing to grant the permit as provided in Article 3 (§ 28.2-216 et seq.) of Chapter 2 of this subtitle.

§ 28.2-530. Taking oysters or loading on vessel on Sunday or at night; penalty.

A. It shall be unlawful for any person to take oysters, from either public or private grounds, ~~on Sunday or~~ between sunset and sunrise; nor shall any person load any vessel or boat for such purpose with any oysters from any of the waters of the Commonwealth ~~on Sunday or~~ between sunset and

305 sunrise.

306 B. Shucking oysters taken from the public grounds other than from designated seed areas may be  
307 unloaded on shore at packinghouses or loaded on trucks or motor vehicles one-half hour after sunset and  
308 one-half hour before sunrise. Those oysters which have been inspected by an officer and purchased by  
309 the packer or planter, and the oysters owned by the packer or planter, may be unloaded at any time  
310 except Sunday within the discretion of the packer.

311 C. The provisions of subsection A of this section shall not apply to (i) the taking or catching, by  
312 hand during the prescribed hours of daylight on Sunday, of not more than one bushel of oysters for  
313 personal use or (ii) the taking or catching of cultured oysters during the prescribed hours of daylight on  
314 Sunday. The presence, on board a boat or other vehicle being used during any Sunday harvesting,  
315 except as part of a oyster aquaculture operation, of any gear normally associated with the harvesting of  
316 oysters other than by hand is prima facie evidence of a violation of the provisions of this section.

317 A violation of this section is a Class 3 misdemeanor.

318 § 28.2-531. Taking clams at night; exception; penalty.

319 It shall be unlawful for any person to take clams from either public or private grounds, on Sunday or  
320 between sunset and sunrise. This section shall not apply to (i) the taking of clams on Sunday by hand or  
321 hand rake between sunrise and sunset if the clams are for personal use only and not for planting or  
322 commercial use, or (ii) the taking of cultured hard-shell clams on Sunday.

323 A violation of this section is a Class 3 misdemeanor.

324 § 29.1-514. Nonmigratory game birds.

325 A. The following nonmigratory game birds may be hunted during prescribed open seasons:

326 Birds introduced by the Board.

327 Bobwhite quail.

328 Grouse.

329 Pheasants.

330 Turkey.

331 B. The following provisions shall also be applicable to the raising and hunting of the particular  
332 nonmigratory game bird species listed:

333 1. The Board may issue a permit to raise or purchase pheasants which shall entitle the permittee to  
334 release pheasants raised or purchased by him on land owned or leased by him, and such pheasants may  
335 be hunted under rules and regulations promulgated by the Board.

336 2. The Board may open the season, including Sunday operation, on pen-raised game birds on  
337 controlled shooting areas licensed under Chapter 6 (§ 29.1-600 et seq.) of this title under regulations as  
338 may be promulgated by the Board. However, the regulations promulgated by the Board shall not allow  
339 Sunday operation in those counties having a population of not less than 54,000, nor more than 55,000,  
340 or in any county or city which prohibits Sunday operation by ordinance.

341 Prior to obtaining a license from the Board to operate a commercially operated controlled shooting  
342 area, an applicant shall (i) notify adjoining landowners of the proposed use and (ii) obtain approval from  
343 the governing body of the county, city or town that such activity is permitted under existing ordinances.  
344 The requirements of clauses (i) and (ii) shall only apply to applications filed on or after July 1, 1993,  
345 for commercially operated controlled shooting area licenses issued under Chapter 6 of this title and shall  
346 not apply to existing preserve licenses or renewals issued for the shooting of pen-raised game birds.

347 § 29.1-521. Unlawful to hunt, trap, possess, sell or transport wild birds and wild animals except as  
348 permitted; exception; penalty.

349 A. The following shall be unlawful:

350 1. To hunt or kill any wild bird or wild animal, including any nuisance species, with a gun, firearm  
351 or other weapon on Sunday, which is hereby declared a rest day for all species of wild bird and wild  
352 animal life, except raccoons, which may be hunted until 2:00 a.m. on Sunday mornings.

353 21. To destroy or molest the nest, eggs, dens or young of any wild bird or wild animal, except  
354 nuisance species, at any time without a permit as required by law.

355 32. To hunt or attempt to kill or trap any species of wild bird or wild animal after having obtained  
356 the daily bag or season limit during such day or season. However, any properly licensed person, or a  
357 person exempt from having to obtain a license, who has obtained such daily bag or season limit while  
358 hunting may assist others who are hunting game by calling game, retrieving game, handling dogs, or  
359 conducting drives if the weapon in his possession is an unloaded firearm, a bow without a nocked arrow  
360 or an unloaded crossbow. Any properly licensed person, or person exempt from having to obtain a  
361 license, who has obtained such season limit prior to commencement of the hunt may assist others who  
362 are hunting game by calling game, retrieving game, handling dogs, or conducting drives, provided he  
363 does not have a firearm, bow or crossbow in his possession.

364 43. To knowingly occupy any baited blind or other baited place for the purpose of taking or  
365 attempting to take any wild bird or wild animal or to put out bait or salt for any wild bird or wild  
366 animal for the purpose of taking or killing them. There shall be a rebuttable presumption that a person

charged with violating this subdivision knows that he is occupying a baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal. However, this shall not apply to baiting nuisance species of animals and birds, or to baiting traps for the purpose of taking fur-bearing animals that may be lawfully trapped.

54. To kill or capture any wild bird or wild animal adjacent to any area while a field or forest fire is in progress.

65. To shoot or attempt to take any wild bird or wild animal from an automobile or other vehicle, except as provided in § 29.1-521.3.

76. To set a trap of any kind on the lands or waters of another without attaching to the trap the name and address of the trapper.

87. To set a trap where it would be likely to injure persons, dogs, stock or fowl.

98. To fail to visit all traps once each day and remove all animals caught, and immediately report to the landowner as to stock, dogs or fowl that are caught and the date.

109. To hunt, trap, take, capture, kill, attempt to take, capture or kill, possess, deliver for transportation, transport, cause to be transported, by any means whatever, receive for transportation or export, or import, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law and only by the manner or means and within the numbers stated. However, the provisions of this section shall not be construed to prohibit the (i) use or transportation of legally taken turkey carcasses, or portions thereof, for the purposes of making or selling turkey callers or (ii) the manufacture or sale of implements, including, but not limited to, tools or utensils, made from legally harvested deer skeletal parts, including antlers.

110. To offer for sale, sell, offer to purchase, or purchase, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law. However, any nonprofit organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code, which is (i) organized to provide wild game as food to the hungry and (ii) authorized by the Department to possess, transport and distribute donated or unclaimed meat to the hungry, may pay a processing fee in order to obtain such meat. Such fees shall not exceed the actual cost for processing the meat. A violation of this subdivision shall be punishable as provided in § 29.1-553.

B. Notwithstanding any other provision of this article, any American Indian, who produces verification that he is an enrolled member of a tribe recognized by the Commonwealth, another state or the U.S. government, may possess, offer for sale or sell to another American Indian, or offer to purchase or purchase from another American Indian, parts of legally obtained fur-bearing animals, nonmigratory game birds, and game animals, except bear. Such legally obtained parts shall include antlers, hooves, feathers, claws and bones.

"Verification" as used in this section shall include, but is not limited to, (i) showing a valid tribal identification card, (ii) confirmation through a central tribal registry, (iii) a letter from a tribal chief or council, or (iv) certification from a tribal office that the person is an enrolled member of the tribe.

C. A violation of subdivisions 1 through 10 of subsection A of this section shall be punishable as a Class 3 misdemeanor.

§ 40.1-28.2. Employees entitled to choose Sunday as day of rest.

Every nonmanagerial person employed by any employer shall, as a matter of right, be entitled to choose *Saturday or Sunday* as a day of rest in accordance with § 40.1-28.1 and upon the filing of written notice by the employee with the employer that such employee chooses *Saturday or Sunday* as a day of rest, no employer shall, in any manner, discharge, discipline or penalize such employee for exercising his rights under this section and the provisions of this section may not be waived on an application for employment.

§ 40.1-28.4. Penalties for violation of §§ 40.1-28.1 and 40.1-28.2; investigations.

Any employer who violates §§ 40.1-28.1, ~~or 40.1-28.2 or § 40.1-28.3~~ shall be is guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than \$250 nor more than \$500 for each offense. Moreover, in the event such employer compels a nonmanagerial employee to work on his chosen day of rest in violation of the heretofore stated sections, such employer shall be liable to such employee for wages at the rate of three times the employee's regular rate of pay for all hours worked by such employee on his chosen day of rest.

Nothing contained herein shall be construed to permit any fine or penalty against any supervisory employee or agent who has been caused, directed or authorized by his employer to violate any provision of the heretofore stated sections, in which case the employer shall be subject to the sanctions prescribed by this section.

The Commissioner of Labor and Industry shall be authorized to conduct investigations of possible violations and thereafter, if compliance is not achieved, report any findings to the appropriate attorney for the Commonwealth.

§ 46.2-694. Fees for vehicles designed and used for transportation of passengers; weights used for

428 computing fees; burden of proof.

429 A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the  
430 transportation of passengers on the highways in the Commonwealth are:

431 1. Twenty-three dollars for each private passenger car or motor home if the passenger car or motor  
432 home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for  
433 compensation and is not kept or used for rent or for hire, or is not operated under a lease without a  
434 chauffeur.

435 2. Twenty-eight dollars for each passenger car or motor home which weighs more than 4,000  
436 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept  
437 or used for rent or for hire, or is not operated under a lease without a chauffeur.

438 3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a  
439 motorcycle with a normal seating capacity of more than 10 adults including the driver if the private  
440 motor vehicle is not used for the transportation of passengers for compensation and is not kept or used  
441 for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less  
442 than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000  
443 pounds.

444 4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be  
445 less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000  
446 pounds.

447 5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human  
448 beings.

449 6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle,  
450 trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate.  
451 Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed  
452 in subdivision 7 of this subsection on submission to the Commissioner of a declaration of operations and  
453 equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more  
454 than 4,000 pounds.

455 7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle,  
456 trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed  
457 under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000  
458 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating  
459 two or more vehicles both within and outside the Commonwealth and registered for insurance purposes  
460 with the Surface Transportation Board of the United States Department of Transportation, Federal  
461 Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of  
462 such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the  
463 registration fees provided in this subsection so that the total registration fees to be paid for such vehicles  
464 of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total  
465 number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total  
466 number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in  
467 each instance is the estimated total mileage to be traveled by such vehicles during the license year for  
468 which such fees are paid, subject to the adjustment in accordance with an audit to be made by  
469 representatives of the Commissioner at the end of such license year, the expense of such audit to be  
470 borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and  
471 licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less  
472 than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles,  
473 trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion  
474 in determining the apportionment provided for herein.

475 8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer  
476 or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the  
477 transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than  
478 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

479 9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a  
480 chauffeur for the transportation of passengers, and which operates or should operate under permits issued  
481 by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs  
482 more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

483 10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a  
484 surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

485 11. Twenty-three dollars for a bus used exclusively for transportation to and from ~~Sunday church~~  
486 school, *for the purpose of religious instruction*, or church, for the purpose of divine worship. If the  
487 empty weight of the vehicle exceeds 4,000 pounds, the fee shall be \$28.

488 12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-carrying  
489 vehicles.



13. An additional fee of \$4 per year shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle under subdivisions 1 through 12 of this subsection. All funds collected pursuant to this subdivision shall be paid into the state treasury and shall be set aside as a special fund to be used only for emergency medical service purposes. The moneys in the special fund shall be distributed as follows:

a. Two percent shall be distributed to the State Department of Health to provide funding to the Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting volunteer recruitment, retention and training activities;

b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency medical services training programs (excluding advanced life support classes); (ii) advanced life support training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and retain volunteer emergency medical services personnel only, including public awareness campaigns, technical assistance programs, and similar activities); (iv) emergency medical services system development, initiatives, and priorities based on needs identified by the State Emergency Medical Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to the Rescue Squad Assistance Fund;

c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical Services for use in emergency medical services; and

e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is registered, to provide funding for training of volunteer or salaried emergency medical service personnel of licensed, nonprofit emergency medical services agencies and for the purchase of necessary equipment and supplies for use in such locality for licensed, nonprofit emergency medical and rescue services.

The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to supplant local funds. Each local governing body shall report annually to the Board of Health on the use of the funds returned to it pursuant to this section. In any case in which the local governing body grants the funds to a regional emergency medical services council to be distributed to the licensed, nonprofit emergency medical and rescue services, the local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board.

B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.

§ 54.1-3001. Exemptions.

This chapter shall not apply to the following:

1. The furnishing of nursing assistance in an emergency;

2. The practice of nursing, which is prescribed as part of a study program, by nursing students enrolled in nursing education programs approved by the Board or by graduates of approved nursing education programs for a period not to exceed ~~ninety~~ 90 days following successful completion of the nursing education program pending the results of the licensing examination, provided proper application and fee for licensure have been submitted to the Board and unless the graduate fails the licensing examination within the ~~ninety-day~~ 90-day period;

3. The practice of any legally qualified nurse of another state who is employed by the United States government while in the discharge of his official duties;

4. The practice of nursing by a nurse who holds a current unrestricted license in another state, the District of Columbia, a United States possession or territory, or who holds a current unrestricted license in Canada and whose training was obtained in a nursing school in Canada where English was the primary language, for a period of ~~thirty~~ 30 days pending licensure in Virginia, if the nurse, upon

employment, has furnished the employer satisfactory evidence of current licensure and submits proper application and fees to the Board for licensure before, or within ~~ten~~ 10 days after, employment. At the discretion of the Board, additional time may be allowed for nurses currently licensed in another state, the District of Columbia, a United States possession or territory, or Canada who are in the process of attaining the qualification for licensure in ~~this~~ the Commonwealth;

5. The practice of nursing by any registered nurse who holds a current unrestricted license in another state, the District of Columbia, or a United States possession or territory, or a nurse who holds an equivalent credential in a foreign country, while enrolled in an advanced professional nursing program requiring clinical practice. This exemption extends only to clinical practice required by the curriculum;

6. The practice of nursing by any nurse who holds a current unrestricted license in another state, the District of Columbia, or a United States possession or territory and is employed to provide care to any private individual while such private individual is traveling through or temporarily staying, as defined in the Board's regulations, in the Commonwealth;

7. General care of the sick by nursing assistants, companions or domestic servants that does not constitute the practice of nursing as defined in this chapter;

8. The care of the sick when done solely in ~~connection with the practice of religious beliefs by the adherents~~ accordance with the tenets and practices of a church that provide for treatment by spiritual means alone through prayer and which is not held out to the public to be licensed practical or professional nursing;

9. Any employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, when, upon the authorization of a prescriber and the written request of the parents as defined in § 22.1-1, assisting with the administration of insulin or administering glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia;

10. The practice of nursing by any nurse who is a graduate of a foreign nursing school and has met the credential, language, and academic testing requirements of the Commission on Graduates of Foreign Nursing Schools for a period not to exceed ~~ninety~~ 90 days from the date of approval of an application submitted to the Board when such nurse is working as a nonsupervisory staff nurse in a licensed nursing home or certified nursing facility. During such ~~ninety-day~~ 90-day period, such nurse shall take and pass the licensing examination to remain eligible to practice nursing in Virginia; no exemption granted under this subdivision shall be extended; or

11. The practice of nursing by any nurse rendering free health care to an underserved population in Virginia who (i) does not regularly practice nursing in Virginia; (ii) holds a current valid license or certification to practice nursing in another state, territory, district or possession of the United States; (iii) volunteers to provide free health care to an underserved area of ~~this~~ the Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization with no paid employees that sponsors the provision of health care to populations of underserved people throughout the world; (iv) files a copy of the license or certification issued in such other jurisdiction with the Board; (v) notifies the Board at least ~~fifteen~~ 15 days prior to the voluntary provision of services of the dates and location of such service; and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any nurse whose license or certificate has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations.

§ 55-376. Purchaser's rights of cancellation.

A. A purchaser shall have the right to cancel the contract until midnight of the seventh calendar day following the execution of such contract. If the seventh calendar day falls on a *Saturday*, Sunday or legal holiday, then the right to cancel the contract shall expire on the day immediately following that *Saturday*, Sunday or legal holiday. Cancellation is to be without penalty, and all payments made by the purchaser before cancellation must be refunded within ~~forty-five~~ 45 days after receipt of the notice of cancellation.

B. If the purchaser elects to cancel a contract pursuant to subsection A, he shall only do so either (i) by hand-delivering the notice to the developer at its principal office or at the project or (ii) by mailing the notice by certified United States mail, return receipt requested, to the developer or its agent designated in the contract. Any such notice sent by certified mail shall be effective on the date postmarked.

C. If, because of the occurrence of a material change, the public offering statement is amended between the time of contracting to purchase a time-share and the time of settlement, the developer shall provide the amended public offering statement to the purchaser and the right of cancellation shall renew from the date of delivery of such amended public offering statement. This subsection shall not apply if the public offering statement is amended by the developer because of a change which is not material or

to disclose any change which is an aspect or result of the orderly development of the time-share project in accordance with the project instrument.

D. The right to cancel the contract as provided by this section shall not be waivable by the time-share purchaser and any provision in the contract or time-share documents indicating a waiver shall be void.

E. A statement of the purchaser's right of cancellation as set forth in subsections A and B shall appear in the contract above the purchaser's signature line. Such statement shall appear in type no smaller than any other provisions of the contract, and the caption "PURCHASER'S NONWAIVABLE RIGHT TO CANCEL" shall appear immediately preceding it in conspicuous, bold-face type.

§ 58.1-811. Exemptions.

A. The taxes imposed by §§ 58.1-801 and 58.1-807 shall not apply to any deed conveying real estate or lease of real estate:

1. To an incorporated college or other incorporated institution of learning not conducted for profit, where such real estate is intended to be used for educational purposes and not as a source of revenue or profit;

2. To an incorporated church or religious body or to the trustee or trustees of any church or religious body, *or a corporation mentioned in § 57-16.1*, where such real estate is intended to be used exclusively for religious purposes, or for the residence of the minister of any such church or religious body;

3. To the United States, the Commonwealth, or to any county, city, town, district or other political subdivision of the Commonwealth;

4. To the Virginia Division of the United Daughters of the Confederacy;

5. To any nonstock corporation organized exclusively for the purpose of owning ~~and~~/or operating a hospital or hospitals not for pecuniary profit;

6. To a corporation upon its organization by persons in control of the corporation in a transaction which qualifies for nonrecognition of gain or loss pursuant to § 351 of the Internal Revenue Code as it exists at the time of the conveyance;

7. From a corporation to its stockholders upon complete or partial liquidation of the corporation in a transaction which qualifies for income tax treatment pursuant to §§ 331, 332, 333 or ~~§~~ 337 of the Internal Revenue Code as it exists at the time of liquidation;

8. To the surviving or new corporation, partnership or limited liability company upon merger or consolidation of two or more corporations, partnerships or limited liability companies, or in a reorganization within the meaning of § 368 (a) (1) (C) and (F) of the Internal Revenue Code as amended;

9. To a subsidiary corporation from its parent corporation, or from a subsidiary corporation to a parent corporation, if the transaction qualifies for nonrecognition of gain or loss under the Internal Revenue Code as amended;

10. To a partnership or limited liability company, when the grantors are entitled to receive not less than 50 percent of the profits and surplus of such partnership or limited liability company;

11. From a partnership or limited liability company, when the grantees are entitled to receive not less than 50 percent of the profits and surplus of such partnership or limited liability company;

12. To trustees of a revocable inter vivos trust, when the grantors in the deed and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust instrument, when no consideration has passed between the grantor and the beneficiaries; and to the original beneficiaries of a trust from the trustees holding title under a deed in trust;

13. When the grantor is the personal representative of a decedent's estate or trustee under a will or inter vivos trust of which the decedent was the settlor, other than a security trust defined in § 55-58.1, and the sole purpose of such transfer is to comply with a devise or bequest in the decedent's will or to transfer title to one or more beneficiaries after the death of the settlor in accordance with a dispositive provision in the trust instrument; or

14. When the grantor is an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code that is organized and operated primarily to acquire land and purchase materials to erect or rehabilitate low-cost homes on such land, which homes are sold at cost to persons who otherwise would be unable to afford to buy a home through conventional means, located in a county with a population of not less than 28,500 and not more than 28,650 or a city with a population of not less than 66,000 and not more than 70,000.

B. The taxes imposed by §§ 58.1-803 and 58.1-804 shall not apply to any deed of trust or mortgage:

1. Given by an incorporated college or other incorporated institution of learning not conducted for profit;

2. Given by the trustee or trustees of a church or religious body or given by an incorporated church or religious body, *or given by a corporation mentioned in § 57-16.1*;

3. Given by any nonstock corporation organized exclusively for the purpose of owning and/or

operating a hospital or hospitals not for pecuniary profit;

4. Given by any local governmental entity or political subdivision of the Commonwealth to secure a debt payable to any other local governmental entity or political subdivision; or

5. Securing a loan made by an organization described in subdivision 14 of subsection A of this section.

C. The tax imposed by § 58.1-802 shall not apply to any :

1. Transaction described in subdivisions 6 through 13 of subsection A of this section;
2. Instrument or writing given to secure a debt;
3. Deed conveying real estate from an incorporated college or other incorporated institution of learning not conducted for profit;
4. Deed conveying real estate from the United States, the Commonwealth or any county, city, town, district or other political subdivision thereof;
5. Conveyance of real estate to the Commonwealth or any county, city, town, district or other political subdivision thereof, if such political unit is required by law to reimburse the parties taxable pursuant to § 58.1-802; or
6. Deed conveying real estate from the trustee or trustees of a church or religious body or from an incorporated church or religious body, *or from a corporation mentioned in § 57-16.1.*

D. No recordation tax shall be required for the recordation of any deed of gift between a grantor or grantors and a grantee or grantees when no consideration has passed between the parties. Such deed shall state therein that it is a deed of gift.

E. The tax imposed by § 58.1-807 shall not apply to any lease to the United States, the Commonwealth, or any county, city, town, district or other political subdivision of the Commonwealth.

F. The taxes imposed by §§ 58.1-801, 58.1-802, 58.1-807, 58.1-808 and 58.1-814 shall not apply to (i) any deed of gift conveying real estate or any interest therein to The Nature Conservancy or (ii) any lease of real property or any interest therein to The Nature Conservancy, where such deed of gift or lease of real estate is intended to be used exclusively for the purpose of preserving wilderness, natural or open space areas.

G. The words "trustee" or "trustees," as used in subdivision 2 of subsection A ~~and~~ , subdivision 2 of subsection B, ~~mean and subdivision 6 of subsection C, include~~ the trustees mentioned in § 57-8 and the ecclesiastical officers mentioned in § 57-16.

H. No recordation tax levied pursuant to this chapter shall be levied on the release of a contractual right, if the release is contained within a single deed that performs more than one function, and at least one of the other functions performed by the deed is subject to the recordation tax.

§ 58.1-2259. Fuel uses eligible for refund.

A. A refund of the tax paid for the purchase of fuel in quantities of five gallons or more at any time shall be granted in accordance with the provisions of § 58.1-2261 to any person who establishes to the satisfaction of the Commissioner that such person has paid the tax levied pursuant to this chapter upon any fuel:

1. Sold and delivered to a governmental entity for its exclusive use;
2. Used by a governmental entity, provided persons operating under contract with a governmental entity shall not be eligible for such refund;
3. Sold and delivered to an organization described in subdivision 2 of § 58.1-2226 or subdivision 2 of § 58.1-2250 for its exclusive use in the operation of an aircraft;
4. Used by an organization described in subdivision 2 of § 58.1-2226 or subdivision 2 of § 58.1-2250 for its exclusive use in the operation of an aircraft, provided persons operating under contract with such an organization shall not be eligible for such refund;
5. Purchased by a licensed exporter and subsequently transported and delivered by such licensed exporter to another state for sales or use outside the boundaries of the Commonwealth if the tax applicable in the destination state has been paid, provided a refund shall not be granted pursuant to this section on any fuel which is transported and delivered outside of the Commonwealth in the fuel supply tank of a highway vehicle or an aircraft;
6. Used by any person performing transportation under contract or lease with any transportation district for use in a highway vehicle controlled by a transportation district created under the Transportation District Act of 1964 (§ 15.2-4500 et seq.) and used in providing transit service by the transportation district by contract or lease, provided the refund shall be paid to the person performing such transportation;
7. Used by any private, nonprofit agency on aging, designated by the Department for the Aging, providing transportation services to citizens in highway vehicles owned, operated or under contract with such agency;
8. Used in operating or propelling highway vehicles owned by a nonprofit organization that provides specialized transportation to various locations for elderly or disabled individuals to secure essential services and to participate in community life according to the individual's interest and abilities;

9. Used in operating or propelling buses owned and operated by a county or the school board thereof while being used to transport children to and from public school or from school to and from educational or athletic activities;

10. Used by buses owned or solely used by a private, nonprofit, ~~nonsectarian~~ *nonreligious* school while being used to transport children to and from such school or from such school to and from educational or athletic activities;

11. Used by any county or city school board or any private, nonprofit, ~~nonsectarian~~ *nonreligious* school contracting with a private carrier to transport children to and from public schools or any private, nonprofit, ~~nonsectarian~~ *nonreligious* school, provided the tax shall be refunded to the private carrier performing such transportation;

12. Used in operating or propelling the equipment of volunteer firefighting companies and of volunteer rescue squads within ~~this~~ *the* Commonwealth used actually and necessarily for firefighting and rescue purposes;

13. Used in operating or propelling motor equipment belonging to counties, cities and towns, if actually used in public activities;

14. Used for a purpose other than in operating or propelling highway vehicles, watercraft or aircraft;

15. Used off-highway in self-propelled equipment manufactured for a specific off-road purpose, which is used on a job site and the movement of which on any highway is incidental to the purpose for which it was designed and manufactured;

16. Proven to be lost by accident, including the accidental mixing of (i) dyed diesel fuel with tax-paid motor fuel, (ii) gasoline with diesel fuel, or (iii) undyed diesel fuel with dyed kerosene, but excluding fuel lost through personal negligence or theft;

17. Used in operating or propelling vehicles used solely for racing other vehicles on a racetrack;

18. Used in operating or propelling unlicensed highway vehicles and other unlicensed equipment used exclusively for agricultural or horticultural purposes on lands owned or leased by the owner or lessee of such vehicles and not operated on or over any highway for any purpose other than to move it in the manner and for the purpose mentioned. The amount of refund shall be equal to the amount of the taxes paid less one-half cent per gallon on such fuel so used which shall be paid by the Commissioner into the state treasury to the credit of the Virginia Agricultural Foundation Fund;

19. Used in operating or propelling commercial watercraft. The amount of refund shall be equal to the amount of the taxes paid less one and one-half cents per gallon on such fuel so used which shall be paid by the Commissioner into the state treasury to be credited as provided in subsection D of § 58.1-2289. If any applicant so requests, the Commissioner shall pay into the state treasury, to the credit of the Game Protection Fund, the entire tax paid by such applicant for the purposes specified in subsection D of § 58.1-2289. If any applicant who is an operator of commercial watercraft so requests, the Commissioner shall pay into the state treasury, to the credit of the Marine Fishing Improvement Fund, the entire tax paid by such applicant for the purposes specified in § 28.2-208;

20. Used in operating stationary engines, or pumping or mixing equipment on a highway vehicle if the fuel used to operate such equipment is stored in an auxiliary tank separate from the fuel tank used to propel the highway vehicle, and the highway vehicle is mechanically incapable of self-propulsion while fuel is being used from the auxiliary tank; or

21. Used in operating or propelling recreational and pleasure watercraft.

B. Any person purchasing fuel for consumption in a solid waste compacting or ready-mix concrete highway vehicle, or a bulk feed delivery truck, where the vehicle's equipment is mechanically or hydraulically driven by an internal combustion engine that propels the vehicle, is entitled to a refund in an amount equal to 35 percent of the tax paid on such fuel. For purposes of this section, a "bulk feed delivery truck" means bulk animal feed delivery trucks utilizing power take-off (PTO) driven auger or air feed discharge systems for off-road deliveries of animal feed.

C. Any person purchasing any fuel on which tax imposed pursuant to this chapter has been paid may apply for a refund of the tax if such fuel was consumed by a highway vehicle used in operating an urban or suburban bus line or a taxicab service. This refund also applies to a common carrier of passengers which has been issued a certificate of public convenience and necessity pursuant to §§ 46.2-2005 and 58.1-2204 providing regular route service over the highways of the Commonwealth. No refund shall be granted unless the majority of the passengers using such bus line, taxicab service or common carrier of passengers do so for travel of a distance of not more than 40 miles, one way, in a single day between their place of abode and their place of employment, shopping areas or schools.

If the applicant for a refund is a taxicab service, he shall hold a valid permit from the Department to engage in the business of a taxicab service. No applicant shall be denied a refund by reason of the fee arrangement between the holder of the permit and the driver or drivers, if all other conditions of this section have been met.

Under no circumstances shall a refund be granted more than once for the same fuel. The amount of

800 refund under this subsection shall be equal to the amount of the taxes paid, except refunds granted on  
801 the tax paid on fuel used by a taxicab service shall be in an amount equal to the tax paid less ~~one~~  
802 ~~cent~~ \$0.01 per gallon on the fuel used.

803 Any refunds made under this subsection shall be deducted from the urban highway funds allocated to  
804 the highway construction district, pursuant to Article 1.1 (§ 33.1-23.01 et seq.) of Chapter 1 of Title  
805 33.1, in which the recipient has its principal place of business.

806 Except as otherwise provided in this chapter, all provisions of law applicable to the refund of fuel  
807 taxes by the Commissioner generally shall apply to the refunds authorized by this subsection. Any  
808 county having withdrawn its roads from the secondary system of state highways under provisions of  
809 § 11 Chapter 415 of the Acts of 1932 shall receive its proportionate share of such special funds as is  
810 now provided by law with respect to other fuel tax receipts.

811 D. Refunds resulting from any fuel shipments diverted from Virginia shall be based on the amount of  
812 tax paid for the fuel less discounts allowed by § 58.1-2233.

813 E. Any person who is required to be licensed under this chapter and is applying for a refund shall  
814 not be eligible for such refund if the applicant was not licensed at the time the refundable transaction  
815 was conducted.

816 § 58.1-3402. Exemptions from service charge.

817 A. Buildings with land they actually occupy, together with additional adjacent land reasonably  
818 necessary for the convenient use of any such building, located within any county, city or town imposing  
819 the service charge pursuant to § 58.1-3400 shall be exempt from such service charge if the buildings are:  
820 (i) lawfully owned and held by churches or religious bodies and wholly and exclusively used for  
821 religious worship or for the residence of the minister of any church or religious body or for use as a  
822 religious convent, nunnery, monastery, cloister ~~or~~, abbey, *or other similar use* or (ii) used or operated  
823 exclusively for nonprofit private educational or charitable purposes, other than faculty or staff housing of  
824 any such educational institution.

825 The service charge shall also not be applicable to public roadways or property held for future  
826 construction of such roadways.

827 B. The governing body of the county, city or town levying a service charge may exempt any class of  
828 organization set out in § 58.1-3600 et seq. from the service charge imposed pursuant to § 58.1-3400 or  
829 § 58.1-3403.

830 § 58.1-3606. Property exempt from taxation by classification.

831 A. Pursuant to the authority granted in Article X, Section 6 (a) (6) of the Constitution of Virginia to  
832 exempt property from taxation by classification, the following classes of real and personal property shall  
833 be exempt from taxation:

834 1. Property owned directly or indirectly by the Commonwealth, or any political subdivision thereof.

835 2. Buildings with land they actually occupy, and the ~~furniture and furnishings therein~~ *personal*  
836 *property* owned by churches or religious bodies, including (i) an incorporated church or religious body  
837 and (ii) a corporation mentioned in § 57-16.1, and exclusively occupied or used for religious worship or  
838 for the residence of the minister of any church or religious body, and such additional adjacent land  
839 reasonably necessary for the convenient use of any such building.

840 3. Nonprofit private or public burying grounds or cemeteries.

841 4. Property owned by public libraries, law libraries of local bar associations when the same are used  
842 or available for use by a state court or courts or the judge or judges thereof, medical libraries of local  
843 medical associations when the same are used or available for use by state health officials, incorporated  
844 colleges or other institutions of learning not conducted for profit. This paragraph shall apply only to  
845 property primarily used for literary, scientific or educational purposes or purposes incidental thereto and  
846 shall not apply to industrial schools which sell their products to other than their own employees or  
847 students.

848 5. Property belonging to and actually and exclusively occupied and used by the Young Men's  
849 Christian Associations and similar religious associations, including religious mission boards and  
850 associations, orphan or other asylums, reformatories, hospitals and nunneries, conducted not for profit  
851 but exclusively as charities (which shall include hospitals operated by nonstock corporations not  
852 organized or conducted for profit but which may charge persons able to pay in whole or in part for their  
853 care and treatment).

854 6. Parks or playgrounds held by trustees for the perpetual use of the general public.

855 7. Buildings with the land they actually occupy, and the furniture and furnishings therein belonging  
856 to any benevolent or charitable organization and used by it exclusively for lodge purposes or meeting  
857 rooms, together with such additional adjacent land as may be necessary for the convenient use of the  
858 buildings for such purposes.

859 8. Property of any nonprofit corporation organized to establish and maintain a museum.

860 B. Property, belonging in one of the classes listed in subsection A of this section, which was exempt  
861 from taxation on July 1, 1971, shall continue to be exempt from taxation under the rules of statutory

construction applicable to exempt property prior to such date.

§ 58.1-3617. Churches and religious bodies.

Any church, ~~religious association~~ or religious ~~denomination~~ *body* operated exclusively on a nonprofit basis for charitable, religious or educational purposes is hereby classified as a religious and charitable organization. Notwithstanding § 58.1-3609, only property of such ~~association or denomination church, or religious body~~ used exclusively for charitable, religious or educational purposes shall be so exempt from taxation.

Motor vehicles owned or leased by churches and used predominantly for church purposes, are hereby classified as property used by its owner for religious purposes.

For purposes of this section, property of a church, ~~religious association~~ or religious ~~denomination~~ *body* owned or leased in the name of *an incorporated church or religious body or corporation mentioned in § 57-16.1*, a duly designated ecclesiastical ~~officer~~ *officer*, or of a trustee of *an unincorporated church or religious body* shall be deemed to be owned by such church, ~~association or denomination or religious body~~.

§ 58.1-3703. Counties, cities and towns may impose local license taxes and fees; limitation of authority.

A. The governing body of any county, city or town may charge a fee for issuing a license in an amount not to exceed \$100 for any locality with a population greater than 50,000, ~~fifty dollars~~ \$50 for any locality with a population of 25,000 but no more than 50,000 and ~~thirty dollars~~ \$30 for any locality with a population smaller than 25,000. Such governing body may levy and provide for the assessment and collection of county, city or town license taxes on businesses, trades, professions, occupations and callings and upon the persons, firms and corporations engaged therein within the county, city or town subject to the limitations in (i) subsection C of this section and (ii) subsection A of § 58.1-3706, provided such tax shall not be assessed and collected on any amount of gross receipts of each business upon which a license fee is charged. Any county, city or town with a population greater than 50,000 shall reduce the fee to an amount not to exceed ~~fifty dollars~~ \$50 by January 1, 2000. The ordinance imposing such license fees and levying such license taxes shall include the provisions of § 58.1-3703.1.

B. Any county, city or town by ordinance may exempt in whole or in part from the license tax (i) the design, development or other creation of computer software for lease, sale or license and (ii) private businesses and industries entering into agreements for the establishment, installation, renovation, remodeling, or construction of satellite classrooms for grades kindergarten through three on a site owned by the business or industry and leased to the school board at no costs pursuant to § 22.1-26.1.

C. No county, city, or town shall impose a license fee or levy any license tax:

1. On any public service corporation or any motor carrier, common carrier, or other carrier of passengers or property formerly certified by the Interstate Commerce Commission or presently registered for insurance purposes with the Surface Transportation Board of the United States Department of Transportation, Federal Highway Administration, except as provided in § 58.1-3731 or as permitted by other provisions of law;

2. For selling farm or domestic products or nursery products, ornamental or otherwise, or for the planting of nursery products, as an incident to the sale thereof, outside of the regular market houses and sheds of such county, city or town, provided such products are grown or produced by the person offering them for sale;

3. Upon the privilege or right of printing or publishing any newspaper, magazine, newsletter or other publication issued daily or regularly at average intervals not exceeding three months, provided the publication's subscription sales are exempt from state sales tax, or for the privilege or right of operating or conducting any radio or television broadcasting station or service;

4. On a manufacturer for the privilege of manufacturing and selling goods, wares and merchandise at wholesale at the place of manufacture;

5. On a person engaged in the business of severing minerals from the earth for the privilege of selling the severed mineral at wholesale at the place of severance, except as provided in §§ 58.1-3712 and 58.1-3713;

6. Upon a wholesaler for the privilege of selling goods, wares and merchandise to other persons for resale unless such wholesaler has a definite place of business or store in such county, city or town. This subdivision shall not be construed as prohibiting any county, city or town from imposing a local license tax on a peddler at wholesale pursuant to § 58.1-3718;

7. Upon any person, firm or corporation for engaging in the business of renting, as the owner of such property, real property other than hotels, motels, motor lodges, auto courts, tourist courts, travel trailer parks, lodging houses, rooming houses and boardinghouses; however, any county, city or town imposing such a license tax on January 1, 1974, shall not be precluded from the levy of such tax by the provisions of this subdivision;

8. ~~}/Repealed.{/~~

920 9. On or measured by receipts for management, accounting, or administrative services provided on a  
921 group basis under a nonprofit cost-sharing agreement by a corporation which is an agricultural  
922 cooperative association under the provisions of Article 2 (§ 13.1-312 et seq.) of Chapter 3 of Title 13.1,  
923 or a member or subsidiary or affiliated association thereof, to other members of the same group. This  
924 exemption shall not exempt any such corporation from such license or other tax measured by receipts  
925 from outside the group;

926 10. On or measured by receipts or purchases by an entity which is a member of an affiliated group  
927 of entities from other members of the same affiliated group. This exclusion shall not exempt affiliated  
928 entities from such license or other tax measured by receipts or purchases from outside the affiliated  
929 group. This exclusion also shall not preclude a locality from levying a wholesale merchant's license tax  
930 on an affiliated entity on those sales by the affiliated entity to a nonaffiliated entity, notwithstanding the  
931 fact that the wholesale merchant's license tax would be based upon purchases from an affiliated entity.  
932 Such tax shall be based on the purchase price of the goods sold to the nonaffiliated entity. As used in  
933 this subdivision, the term "sales by the affiliated entity to a nonaffiliated entity" means sales by the  
934 affiliated entity to a nonaffiliated entity where goods sold by the affiliated entity or its agent are  
935 manufactured or stored in the Commonwealth prior to their delivery to the nonaffiliated entity;

936 11. On any insurance company subject to taxation under Chapter 25 (§ 58.1-2500 et seq.) of this title  
937 or on any agent of such company;

938 12. On any bank or trust company subject to taxation in Chapter 12 (§ 58.1-1200 et seq.) of this  
939 title;

940 13. Upon a taxicab driver, if the locality has imposed a license tax upon the taxicab company for  
941 which the taxicab driver operates;

942 14. On any blind person operating a vending stand or other business enterprise under the jurisdiction  
943 of the Department for the Blind and Vision Impaired, or a nominee of the Department, as set forth in  
944 § 51.5-98;

945 15. ~~Expired.~~

946 16. ~~Repealed.~~

947 17. On an accredited religious practitioner in the practice of the religious tenets of any church or  
948 religious denomination. "Accredited religious practitioner" shall be defined as one who is engaged solely  
949 in praying for others upon accreditation by such church or religious denomination provides treatment by  
950 spiritual means alone through prayer in accordance with the tenets and practices of the accrediting  
951 church;

952 18. (a) On or measured by receipts of a charitable nonprofit organization except to the extent the  
953 organization has receipts from an unrelated trade or business the income of which is taxable under  
954 Internal Revenue Code § 511 et seq. For the purpose of this subdivision, "charitable nonprofit  
955 organization" means an organization which is described in Internal Revenue Code § 501 (c) (3) and to  
956 which contributions are deductible by the contributor under Internal Revenue Code § 170, except that  
957 educational institutions shall be limited to schools, colleges and other similar institutions of learning.

958 (b) On or measured by gifts, contributions, and membership dues of a nonprofit organization.  
959 Activities conducted for consideration which are similar to activities conducted for consideration by  
960 for-profit businesses shall be presumed to be activities that are part of a business subject to licensure.  
961 For the purpose of this subdivision, "nonprofit organization" means an organization exempt from federal  
962 income tax under Internal Revenue Code § 501 other than charitable nonprofit organizations;

963 19. On any venture capital fund or other investment fund, except commissions and fees of such  
964 funds. Gross receipts from the sale and rental of real estate and buildings remain taxable by the locality  
965 in which the real estate is located provided the locality is otherwise authorized to tax such businesses  
966 and rental of real estate; or

967 20. On total assessments paid by condominium unit owners for common expenses. "Common  
968 expenses" and "unit owner" have the same meanings as in § 55-79.41.

969 § 59.1-296. Definitions.

970 As used in this chapter:

971 "Business day" means any day except a *Saturday*, Sunday or a legal holiday.

972 "Buyer" means a natural person who enters into a health spa contract.

973 "Commissioner" means the Commissioner of Agriculture and Consumer Services, or a member of his  
974 staff to whom he may delegate his duties under this chapter.

975 "Comparable alternate facility" means a health spa facility that provides health spa services and  
976 facilities that are reasonably of like kind, in nature and quality, to the services originally contracted for  
977 at another location of the health spa.

978 "Contract price" means the sum of the initiation fee, if any, and all monthly fees except interest  
979 required by the health spa contract.

980 "Health spa" means and includes any person, firm, corporation, organization, club or association  
981 engaged in the sale of memberships in a program of physical exercise, which includes the use of one or



more of a sauna, whirlpool, weight-lifting room, massage, steam room, or exercising machine or device, or engaged in the sale of the right or privilege to use exercise equipment or facilities, such as a sauna, whirlpool, weight-lifting room, massage, steam room or exercising machine or device. The term "health spa" shall not include the following: (i) bona fide nonprofit organizations, including, but not limited to, the Young Men's Christian Association, Young Women's Christian Association, or similar organizations whose functions as health spas are only incidental to their overall functions and purposes; (ii) any private club owned and operated by its members; (iii) any organization primarily operated for the purpose of teaching a particular form of self-defense such as judo or karate; (iv) any facility owned or operated by the United States; (v) any facility owned or operated by the Commonwealth of Virginia or any of its political subdivisions; (vi) any nonprofit public or private school, college or university; (vii) any club providing tennis or swimming facilities located in a residential planned community or subdivision, developed in conjunction with the development of such community or subdivision, and deriving at least 80 percent of its membership from residents of such community or subdivision; and (viii) any facility owned and operated by a private employer exclusively for the benefit of its employees, retirees, and family members and which facility is only incidental to the overall functions and purposes of the employer's business and is operated on a nonprofit basis.

"Health spa contract" means an agreement whereby the buyer of health spa services purchases, or becomes obligated to purchase, health spa services.

"Health spa services" means and includes services, privileges, or rights offered for sale or provided by a health spa.

"Initiation fee" means a nonrecurring fee charged at or near the beginning of a health spa membership, and includes all fees or charges not part of the monthly fee.

"Monthly fee" means the total consideration, including but not limited to, equipment or locker rental, credit check, finance, medical and dietary evaluation, class and training fees, and all other similar fees or charges and interest, but excluding any initiation fee, to be paid by a buyer, divided by the total number of months of health spa service use allowed by the buyer's contract, including months or time periods called "free" or "bonus" months or time periods and such months or time periods which are described in any other terms suggesting that they are provided free of charge, which months or time periods are given or contemplated when the contract is initially executed.

"Prepayment" means payment of any consideration for services or the use of facilities made prior to the day on which the services or facilities of the health spa are fully open and available for regular use by the members.

"Relocation" means the provision of health spa services by the health spa that entered into the membership contract at a location other than that designated in the member's contract.

§ 59.1-313. Definitions.

When used in this chapter, unless the context requires a different meaning, the following shall have the meanings respectively set forth:

"Advertisement" shall be synonymous with "offer to sell."

"Agreement" shall be synonymous with "membership camping contract."

"Blanket encumbrance" means any legal instrument, whether or not evidencing the obligation to pay money, which permits or requires the foreclosure, sale, conveyance or other disposition of the campground or any portion thereof.

"Board" means the Virginia Board of Agriculture and Consumer Services.

"Business day" means any day except *Saturday*, *Sunday* or a legal holiday.

"Camping site" means any parcel of real estate designed and promoted for the purpose of locating thereon a trailer, tent, tent trailer, pickup camper, recreational vehicle, house trailer, van, cabin or other similar device used for camping or for overnight lodging.

"Campground" means any single tract or parcel of real property on which there are at least ~~ten~~ 10 camping sites.

"Commissioner" means the Commissioner of the Virginia Department of Agriculture and Consumer Services, or a member of his staff to whom he has delegated his duties under this chapter.

"Contract" shall be synonymous with "membership camping contract."

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

"Facility" means an amenity within a campground set aside or otherwise made available to purchasers in their use and enjoyment of the campground, and may include campsites, swimming pools, tennis courts, recreational buildings, boat docks, restrooms, showers, laundry rooms, and trading posts or grocery stores.

"Holder" means the membership camping operator who enters into a membership camping contract with a purchaser or the assignee of such contract who purchases the same for value.

"Managing entity" means a person who undertakes the duties, responsibilities and obligations of the management of a campground.

1043 "Membership camping contract" or "membership camping agreement" means any written agreement  
1044 of more than one year's duration, executed in whole or in part within ~~this~~ the Commonwealth, which  
1045 grants to a purchaser a nonexclusive right or license to use the campground of a membership camping  
1046 operator or any portion thereof on a first come, first serve or reservation basis together with other  
1047 purchasers. "Membership camping contract" or "membership camping agreement" also means any written  
1048 agreement of more than one year's duration, executed in whole or in part within ~~this~~ the Commonwealth,  
1049 which obligates the membership camping operator to transfer or which does in fact transfer to the  
1050 purchaser title to or an ownership interest in a campground or any portion thereof, and which gives the  
1051 purchaser a nonexclusive right or license to use the campground of a membership camping operator or  
1052 any portion thereof, on a first come, first serve or reservation basis together with other purchasers.

1053 "Membership camping operator" means any person who is in the business of soliciting, offering,  
1054 advertising, or executing membership camping contracts. A membership camping operator shall not  
1055 include:

1056 1. Any enterprise that is tax-exempt under § 501 (c) (3) of the Internal Revenue Code, as amended;  
1057 or

1058 2. Any enterprise that is tax-exempt under Chapter 36 of Title 58.1; or

1059 3. Manufactured home parks wherein the residents occupy the premises as their primary homes.

1060 "Membership fees, dues, and assessments" means payments required of the purchaser, or his  
1061 successor in interest, by the agreement for the support and maintenance of facilities at the campground  
1062 about which the agreement relates.

1063 "Nondisturbance agreement" means any instrument executed by the owner of a blanket encumbrance  
1064 which subordinates the rights of the owner of the blanket encumbrance to the rights of the purchasers of  
1065 membership camping contracts. Unless the agreement specifically so provides, the owner of a blanket  
1066 encumbrance does not by the fact of such ownership assume any of the obligations of the membership  
1067 camping operator under membership camping contracts or under this chapter.

1068 "Offer," "offer to sell," "offer to execute" or "offering" means any offer, solicitation, advertisement,  
1069 or inducement, to execute a membership camping agreement.

1070 "Person" means any individual, corporation, partnership, company, unincorporated association or any  
1071 other legal entity other than a government or agency or a subdivision thereof.

1072 "Purchase money" means any money, currency, note, security or other consideration paid by the  
1073 purchaser for a membership camping agreement.

1074 "Purchaser" means a person who enters into a membership camping contract with the membership  
1075 camping operator.

1076 "Ratio of membership camping contracts to camping sites" means the total number of membership  
1077 camping contracts sold in relation to each available camping site.

1078 "Reciprocal program" means any arrangement under which a purchaser is permitted to use camping  
1079 sites or facilities at one or more campgrounds not owned or operated by the membership camping  
1080 operator with whom the purchaser has entered into a membership camping contract.

1081 "Salesperson" means an individual, other than a membership camping operator, who offers to sell a  
1082 membership camping contract by means of a direct sales presentation, but does not include a person  
1083 who merely refers a prospective purchaser to a sales person without making any direct sales  
1084 presentation.

1085 § 59.1-448. Travel services agreement; disclosure.

1086 A. The travel services agreement shall contain a written disclosure of all limitations on and terms of  
1087 the membership and shall be provided to the purchaser at the time the agreement is executed. The  
1088 disclosure shall clearly and conspicuously include:

1089 1. The name, business address and telephone number of the travel club;

1090 2. The amount due, the date of payment, the purpose of the payment and an itemized statement of  
1091 the balance due, if any;

1092 3. A detailed description of any other service provided in conjunction with the agreement;

1093 4. The conditions, if any, upon which the travel services agreement or membership in the travel club  
1094 may be canceled and the rights and obligations of all parties in the event of such cancellation; and

1095 5. A description of all contingencies, limitations or conditions of the agreement.

1096 B. The purchaser may cancel the travel service agreement until midnight of the seventh calendar day  
1097 after execution of the contract by use of the form prescribed in subsection C of this section; however,  
1098 notice of cancellation need not take the form prescribed and shall be sufficient if it indicates the  
1099 intention of the purchaser not to be bound. Notice of cancellation, if given by mail, shall be deemed  
1100 given when deposited in a mailbox, properly addressed and postage prepaid. If the seventh calendar day  
1101 falls on a *Saturday*, Sunday or legal holiday, then the right to cancel the travel service agreement shall  
1102 expire on the day immediately following that *Saturday*, Sunday or legal holiday.

1103 C. The written disclosure shall include, in addition to the requirements of subsections A and B of  
1104 this section, the following statement which shall appear immediately above the buyer's signature under

the conspicuous caption, "BUYER'S NONWAIVABLE RIGHT TO CANCEL," which caption shall be printed in no less than ~~ten-point~~ 10-point, bold-faced type:

YOU MAY CANCEL THIS TRANSACTION, WITHOUT ANY PENALTY OR OBLIGATION, WITHIN SEVEN CALENDAR DAYS FROM YOUR EXECUTION OF THIS CONTRACT UNLESS YOU HAVE ALREADY USED THE TRAVEL SERVICES PROVIDED IN CONNECTION WITH THIS TRAVEL SERVICES AGREEMENT. IF YOU HAVE ALREADY USED THE TRAVEL SERVICES PROVIDED IN CONNECTION WITH THIS TRAVEL SERVICES AGREEMENT, YOU MAY STILL CANCEL THIS TRANSACTION WITHIN SEVEN CALENDAR DAYS FROM YOUR EXECUTION HEREOF, BUT YOU ARE NOT ENTITLED TO A REFUND OF ANY PRIOR PAYMENTS MADE FOR THE SPECIFIC TRAVEL SERVICES UTILIZED.

TO CANCEL THIS TRANSACTION, MAIL OR DELIVER A SIGNED AND DATED COPY OF THIS CANCELLATION NOTICE OR ANY OTHER WRITTEN NOTICE OR SEND A TELEGRAM TO:

(Name of Seller)	AT	(Address of Seller)
.....		.....
.....		NOT LATER THAN
Place of Business		MIDNIGHT OF THE SEVENTH
.....		DAY AFTER RECEIPT OF
.....		THIS DISCLOSURE

(Date)

I HEREBY CANCEL THIS TRANSACTION

(Date)

.....

(Purchaser's Signature)

D. Within ~~forty-five~~ 45 days after notice of cancellation is received, the travel club shall refund to the purchaser any payments made by the purchaser pursuant to the travel services agreement. However, the travel club may retain payments made for specific travel services utilized. The refund may be made by crediting the purchaser's credit card account if a credit card was used to make a payment and if the travel club informs the purchaser in writing that the credit card account has been credited.

E. The right of cancellation afforded the purchaser by this chapter is nonwaivable and any provision in any instrument to the contrary shall be null and void.

§ 60.2-213. Employment with hospital, higher education, state, subdivision, or certain religious or charitable organizations.

A. "Employment" includes:

1. Service performed by an individual (i) in the employ of ~~this the~~ Commonwealth or any of its political subdivisions or instrumentalities or (ii) in the employ of ~~this the~~ Commonwealth and one or more other states or their political subdivisions or instrumentalities, for a hospital or institution of higher education located in ~~this the~~ Commonwealth provided that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of § 3306 (c) (7) of that act and is not excluded from "employment" under subsection B of this section;

2. Service performed by an individual (i) in the employ of ~~this the~~ Commonwealth or any of its wholly owned instrumentalities or (ii) in the employ of ~~this the~~ Commonwealth and one or more other states or their instrumentalities, provided that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act (26 U.S.C.) by § 3306 (c) (7) of that act and is not excluded from "employment" under subsection B of this section;

3. Service performed by an individual (i) in the employ of any political subdivision of ~~this the~~ Commonwealth or any of its wholly owned instrumentalities or (ii) in the employ of any instrumentality wholly owned by ~~this the~~ Commonwealth, any of its political subdivisions or instrumentalities, or any instrumentality wholly owned by any of the foregoing and one or more other states or their political subdivisions, provided that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act by § 3306 (c) (7) of that act and is not excluded from "employment" under subsection B of this section;

4. Service performed by an individual in the employ of a religious, charitable, educational or other organization but only if the following conditions are met:

a. Their service is excluded from "employment" as defined in the Federal Unemployment Tax Act (26 U.S.C.) solely by reason of § 3306 (c) (8) of that act; and

b. The organization had four or more individuals in employment for some portion of a day in each of ~~twenty~~ 20 different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time.

B. For the purposes of subdivisions 3 and 4 of subsection A of this section, the term "employment"

1165 does not apply to service performed:

1166 1. In the employ of (i) a church or convention or association of churches, or (ii) an organization  
1167 which is operated primarily for religious purposes and which is operated, supervised, controlled, or  
1168 principally supported by a church or convention or association of churches;

1169 2. By a ~~duly ordained, commissioned, or licensed~~ minister of a church in the exercise of his ministry  
1170 or by a member of a religious order in the exercise of duties required by such order;

1171 3. In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals  
1172 whose earning capacity is impaired by age or physical or mental deficiency or injury or providing  
1173 remunerative work for individuals who because of their impaired physical or mental capacity cannot be  
1174 readily absorbed in the competitive labor market by an individual receiving such rehabilitation or  
1175 remunerative work;

1176 4. As part of an unemployment work-relief or work-training program assisted or financed in whole or  
1177 in part by a federal agency or an agency of a state or political subdivision thereof, by an individual  
1178 receiving such work relief or work training;

1179 5. By an inmate of a custodial or penal institution; or

1180 6. In the employ of ~~this~~ *the* Commonwealth, or any political subdivision thereof or any  
1181 instrumentality of any one or more of the foregoing as set forth in subdivisions 1 through 3 of  
1182 subsection A of this section, if such service is performed by an individual in the exercise of duties:

1183 a. As an elected official;

1184 b. As a member of a legislative body, or a member of the judiciary;

1185 c. As a member of the state National Guard or Air National Guard;

1186 d. As an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or  
1187 similar emergency; or

1188 e. In a position which, under or pursuant to the laws of ~~this~~ *the* Commonwealth, is designated as (i)  
1189 a major nontenured policymaking or advisory position, or (ii) a policymaking or advisory position the  
1190 performance of the duties of which ordinarily does not require more than eight hours per week.

1191 § 61.1-38. Establishment and discontinuance of warehouses.

1192 Tobacco warehouses, which were public warehouses on the day before this Code takes effect, shall  
1193 continue to be such; and the several circuit and corporation courts may hereafter authorize the erection  
1194 of tobacco warehouses, or may establish the same, as public warehouses within their respective counties  
1195 and cities; which warehouses shall be constructed, or shall have been constructed, so as to keep safely,  
1196 and guard against fire and weather, as far as practicable, all tobacco stored therein, and shall be kept in  
1197 good repair and at all times, ~~Sunday excepted~~, be open for receiving, storing, selling and delivering  
1198 tobacco; but the owner of any such warehouse shall have the right to discontinue the same as a public  
1199 warehouse, after having published a notice of his intention to do so once a week for four successive  
1200 weeks in some newspaper published in the county or city, wherein such warehouse is situated, or if no  
1201 newspaper be published therein, after having posted such notice at the front door of the courthouse of  
1202 such county or city for four successive weeks.

1203 § 63.2-1509. Physicians, nurses, teachers, etc., to report certain injuries to children; penalty for failure  
1204 to report.

1205 A. The following persons who, in their professional or official capacity, have reason to suspect that a  
1206 child is an abused or neglected child, shall report the matter immediately to the local department of the  
1207 county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or  
1208 to the Department's toll-free child abuse and neglect hotline:

1209 1. Any person licensed to practice medicine or any of the healing arts;

1210 2. Any hospital resident or intern, and any person employed in the nursing profession;

1211 3. Any person employed as a social worker;

1212 4. Any probation officer;

1213 5. Any teacher or other person employed in a public or private school, kindergarten or nursery  
1214 school;

1215 6. Any person providing full-time or part-time child care for pay on a regularly planned basis;

1216 7. Any ~~duly accredited Christian Science practitioner~~ *accredited religious practitioner who provides*  
1217 *treatment by spiritual means alone through prayer in accordance with the tenets and practices of the*  
1218 *accrediting church*;

1219 8. Any mental health professional;

1220 9. Any law-enforcement officer;

1221 10. Any mediator eligible to receive court referrals pursuant to § 8.01-576.8;

1222 11. Any professional staff person, not previously enumerated, employed by a private or state-operated  
1223 hospital, institution or facility to which children have been committed or where children have been  
1224 placed for care and treatment;

1225 12. Any person associated with or employed by any private organization responsible for the care,  
1226 custody or control of children; and

1227 13. Any person who is designated a court-appointed special advocate pursuant to Article 5 (§ 9.1-151  
1228 et seq.) of Chapter 1 of Title 9.1.

1229 If neither the locality in which the child resides nor where the abuse or neglect is believed to have  
1230 occurred is known, then such report shall be made to the local department of the county or city where  
1231 the abuse or neglect was discovered or to the Department's toll-free child abuse and neglect hotline.

1232 If an employee of the local department is suspected of abusing or neglecting a child, the report shall  
1233 be made to the court of the county or city where the abuse or neglect was discovered. Upon receipt of  
1234 such a report by the court, the judge shall assign the report to a local department that is not the  
1235 employer of the suspected employee for investigation or family assessment. The judge may consult with  
1236 the Department in selecting a local department to respond to the report or the complaint.

1237 If the information is received by a teacher, staff member, resident, intern or nurse in the course of  
1238 professional services in a hospital, school or similar institution, such person may, in place of said report,  
1239 immediately notify the person in charge of the institution or department, or his designee, who shall  
1240 make such report forthwith.

1241 The initial report may be an oral report but such report shall be reduced to writing by the child  
1242 abuse coordinator of the local department on a form prescribed by the Board. Any person required to  
1243 make the report pursuant to this subsection shall disclose all information that is the basis for his  
1244 suspicion of abuse or neglect of the child and, upon request, shall make available to the child-protective  
1245 services coordinator and the local department, which is the agency of jurisdiction, any information,  
1246 records or reports that document the basis for the report. All persons required by this subsection to  
1247 report suspected abuse or neglect who maintain a record of a child who is the subject of such a report  
1248 shall cooperate with the investigating agency and shall make related information, records and reports  
1249 available to the investigating agency unless such disclosure violates the federal Family Educational  
1250 Rights and Privacy Act (20 U.S.C. § 1232(g)). Provision of such information, records and reports by a  
1251 health care provider shall not be prohibited by § 8.01-399. Criminal investigative reports received from  
1252 law-enforcement agencies shall not be further disseminated by the investigating agency nor shall they be  
1253 subject to public disclosure.

1254 B. For purposes of subsection A, "reason to suspect that a child is abused or neglected" shall include  
1255 (i) a finding made by an attending physician within seven days of a child's birth that the results of a  
1256 blood or urine test conducted within ~~forty-eight~~ 48 hours of the birth of the child indicate the presence  
1257 of a controlled substance not prescribed for the mother by a physician; (ii) a finding by an attending  
1258 physician made within ~~forty-eight~~ 48 hours of a child's birth that the child was born dependent on a  
1259 controlled substance which was not prescribed by a physician for the mother and has demonstrated  
1260 withdrawal symptoms; (iii) a diagnosis by an attending physician made within seven days of a child's  
1261 birth that the child has an illness, disease or condition which, to a reasonable degree of medical  
1262 certainty, is attributable to in utero exposure to a controlled substance which was not prescribed by a  
1263 physician for the mother or the child; or (iv) a diagnosis by an attending physician made within seven  
1264 days of a child's birth that the child has fetal alcohol syndrome attributable to in utero exposure to  
1265 alcohol. When "reason to suspect" is based upon this subsection, such fact shall be included in the  
1266 report along with the facts relied upon by the person making the report.

1267 C. Any person who makes a report or provides records or information pursuant to subsection A or  
1268 who testifies in any judicial proceeding arising from such report, records or information shall be immune  
1269 from any civil or criminal liability or administrative penalty or sanction on account of such report,  
1270 records, information or testimony, unless such person acted in bad faith or with malicious purpose.

1271 D. Any person required to file a report pursuant to this section who fails to do so within ~~seventy-two~~  
1272 72 hours of his first suspicion of child abuse or neglect shall be fined not more than \$500 for the first  
1273 failure and for any subsequent failures not less than \$100 nor more than \$1,000.

1274 2. That §§ 8.01-289 and 40.1-28.3 of the Code of Virginia are repealed.