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HOUSE BILL NO. 2697

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Mims
on February 21, 2006)

(Patron Prior to Substitute—Delegate Scott, J.M.)

A *BILL to amend and reenact §§ 2.2-4343.1, 8.01-225.1, 9.1-914, 15.2-820, 15.2-4901, 15.2-4902, 15.2-5214, 15.2-5343, 16.1-319, 18.2-280, 18.2-282, 18.2-308.1, 19.2-389, 22.1-7, 22.1-180, 22.1-212.5, 22.1-212.8, 22.1-218, 22.1-271.1, 22.1-2963, 23-50.16:12, 46.2-100, 46.2-694, 46.2-917, 46.2-918, 54.1-3482, 58.1-811, 58.1-2259, 58.1-3606, and 58.1-3617 of the Code of Virginia, and to amend the Code of Virginia by adding a section numbered 57-16.1, relating to certain substantive changes to modernize laws governing churches.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-4343.1, 8.01-225.1, 9.1-914, 15.2-820, 15.2-4901, 15.2-4902, 15.2-5214, 15.2-5343, 16.1-319, 18.2-280, 18.2-282, 18.2-308.1, 19.2-389, 22.1-7, 22.1-180, 22.1-212.5, 22.1-212.8, 22.1-218, 22.1-271.1, 22.1-2963, 23-50.16:12, 46.2-100, 46.2-694, 46.2-917, 46.2-918, 54.1-3482, 58.1-811, 58.1-2259, 58.1-3606, and 58.1-3617 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 57-16.1 as follows:

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

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

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

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

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

E. A faith-based organization contracting with a public body (i) shall not discriminate against any recipient of goods, services, or disbursements made pursuant to a contract authorized by this section on the basis of the recipient's religion, religious belief, refusal to participate in a religious practice, or on the basis of race, age, color, gender or national origin and (ii) shall be subject to the same rules as other organizations that contract with public bodies to account for the use of the funds provided; however, if the faith-based organization segregates public funds into separate accounts, only the accounts and programs funded with public funds shall be subject to audit by the public body. Nothing in clause (ii) shall be construed to ~~supercede~~ *supersede* or otherwise override any other applicable state law.

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

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

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

The public body shall provide to each individual who applies for or receives goods, services, or disbursements provided pursuant to a contract between a public body and a faith-based organization a notice in bold face type that states: "Neither the public body's selection of a charitable or faith-based

60 provider of services nor the expenditure of funds under this contract is an endorsement of the provider's
61 charitable or religious character, practices, or expression. No provider of services may discriminate
62 against you on the basis of religion, a religious belief, or your refusal to actively participate in a
63 religious practice. If you object to a particular provider because of its religious character, you may
64 request assignment to a different provider. If you believe that your rights have been violated, please
65 discuss the complaint with your provider or notify the appropriate person as indicated in this form."

66 § 8.01-225.1. Immunity for team physicians.

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

73 § 9.1-914. Automatic notification of registration to certain entities.

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

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

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

89 For the purposes of this section, "day-care service" means provision of supplementary care and
90 protection during a part of the day for the minor child of another; "child-minding service" means
91 provision of temporary custodial care or supervisory services for the minor child of another; and
92 "school" means any public, ~~parochial, denominational~~ *religious* or private educational institution,
93 including any preschool, elementary school, secondary school, post-secondary school, trade or
94 professional institution, or institution of higher education.

95 § 15.2-820. Donations to legal entities owning recreational facilities.

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

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

103 § 15.2-4901. Purpose of chapter.

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

115 It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to
116 industrial development authorities the powers contained herein with respect to pollution control facilities
117 to the end that such authorities may protect and promote the health of the inhabitants of the
118 Commonwealth and the conservation, protection and improvement of its natural resources by exercising
119 such powers for the control or abatement of land, sewer, water, air, noise and general environmental
120 pollution derived from the operation of any industrial or medical facility and to vest such authorities
121 with all powers that may be necessary to enable them to accomplish such purpose, which powers shall

be exercised for the benefit of the inhabitants of the Commonwealth, either through the increase of their commerce, or through the promotion of their safety, health, welfare, convenience or prosperity.

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

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

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

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

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

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to facilities devoted to the staging of equine events and activities (other than racing) for use by governmental or nonprofit,

183 nonreligious ~~or nonsectarian~~ organizations and operated by such governmental or nonprofit, nonreligious
184 ~~or nonsectarian~~ organizations in order to promote the equine industry and equine-related activities (other
185 than racing) which are integral to the Commonwealth's economy and heritage and to promote thereby
186 the safety, health, welfare, convenience, and prosperity of the inhabitants of the Commonwealth.

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

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

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

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

203 § 15.2-4902. Definitions.

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

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

209 "Authority facilities" or "facilities" means any or all (i) medical (including, but not limited to, office
210 and treatment facilities), pollution control or industrial facilities; (ii) facilities for the residence or care of
211 the aged; (iii) multi-state regional or national headquarters offices or operations centers; (iv) facilities for
212 private, accredited and nonprofit institutions of collegiate, elementary, or secondary education in the
213 Commonwealth whose primary purpose is to provide collegiate, elementary, secondary, or graduate
214 education and not to provide religious training or theological education, such facilities being for use as
215 academic or administration buildings or any other structure or application usual and customary to a
216 college, elementary or secondary school campus other than chapels and their like; (v) parking facilities,
217 including parking structures; (vi) facilities for use as office space by nonprofit, nonreligious ~~or~~
218 ~~nonsectarian~~ organizations; (vii) facilities for museums and historical education, demonstration and
219 interpretation, together with buildings, structures or other facilities necessary or desirable in connection
220 with the foregoing, for use by nonprofit organizations; (viii) facilities for use by an organization (other
221 than an organization organized and operated exclusively for religious purposes) which is described in
222 § 501 (c) (3) of the Internal Revenue Code of 1986, as amended, and which is exempt from federal
223 income taxation pursuant to § 501 (a) of such Internal Revenue Code; (ix) facilities for use by a locality,
224 the Commonwealth and its agencies, or other governmental organizations, provided that any such
225 facilities owned by a locality, the Commonwealth or its agencies or other public bodies subject to the
226 Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not be exempt from competitive procurement
227 requirements, under the exception granted in § 11-45 D; (x) facilities devoted to the staging of equine
228 events and activities (other than racing events); however, such facilities must be owned by a
229 governmental or nonprofit, nonreligious ~~or nonsectarian~~ organization and operated by any such
230 governmental or nonprofit, nonreligious ~~or nonsectarian~~ organization; (xi) facilities for commercial
231 enterprises that are not enterprise zone facilities (as defined in § 1394(b) of the Internal Revenue Code
232 of 1986, as amended) now existing or hereafter acquired, constructed or installed by or for the authority
233 pursuant to the terms of this chapter; however, facilities for commercial enterprise that are not enterprise
234 zone facilities but which are taxable authority facilities shall constitute authority facilities only if the
235 interest on any bonds issued to finance such facilities is not exempt from federal income taxation; (xii)
236 enterprise zone facilities; and (xiii) facilities used primarily for single or multi-family residences. Clause
237 (xiii) applies only to industrial development authorities created by one or more municipalities whose
238 housing authorities have not been activated as provided by §§ 36-4 and 36-4.1. Any facility may be
239 located within or outside or partly within or outside the locality creating the authority. Any facility may
240 consist of or include any or all buildings, improvements, additions, extensions, replacements, machinery
241 or equipment, and may also include appurtenances, lands, rights in land, water rights, franchises,
242 furnishings, landscaping, utilities, approaches, roadways and other facilities necessary or desirable in
243 connection therewith or incidental thereto, acquired, constructed, or installed by or on behalf of the
244 authority. A pollution control facility shall include any facility acquired, constructed or installed or any

expenditure made, including the reconstruction, modernization or modification of any existing building, improvement, addition, extension, replacement, machinery or equipment, and which is designed to further the control or abatement of land, sewer, water, air, noise or general environmental pollution derived from the operation of any industrial or medical facility. Any facility may be constructed on or installed in or upon lands, structures, rights-of-way, easements, air rights, franchises or other property rights or interests whether owned by the authority or others.

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

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

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

"Loans" means any loans made by the authority in furtherance of the purposes of this chapter from the proceeds of the issuance and sale of the authority's bonds and from any of its revenues or other moneys available to it as provided herein.

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

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

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

§ 15.2-5214. Eminent domain.

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

Property already devoted to a public use may be acquired; however, no property belonging to any locality, government, or religious or charitable corporation may be acquired without its consent. *Property belonging to a church, whether incorporated or unincorporated, 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

306 adoption by it of a resolution declaring that the acquisition of the property described therein is in the
307 public interest and necessary for public use. The authority may exercise the power of eminent domain
308 pursuant to the provisions of Chapter 2 (§ 25.1-200 et seq.) of Title 25.1 and any applicable statutory
309 provisions in force or hereafter enacted for the exercise of the power of eminent domain by cities.

310 Property already devoted to a public use may be acquired. No property belonging to any locality,
311 government, or religious or charitable corporation may be acquired without its consent. *Property*
312 *belonging to a church, whether incorporated or unincorporated, may be acquired without its consent.*

313 § 16.1-319. Acquisition of property by commission.

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

320 Subject to the provisions of § 25.1-102, property already devoted to a public use may be acquired,
321 provided, that no property belonging to any county or city or to any religious or charitable corporation
322 may be acquired without its consent. *Property belonging to a church, whether incorporated or*
323 *unincorporated, may be acquired without its consent.*

324 § 18.2-280. Willfully discharging firearms in public places.

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

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

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

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

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

342 § 18.2-282. Pointing, holding, or brandishing firearm, air or gas operated weapon or object similar in
343 appearance; penalty.

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

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

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

362 § 18.2-308.1. Possession of firearm, stun weapon, or other weapon on school property prohibited.

363 A. If any person possesses any (i) stun weapon or taser as defined in this section; (ii) knife, except
364 a pocket knife having a folding metal blade of less than three inches; or (iii) weapon, including a
365 weapon of like kind, designated in subsection A of § 18.2-308, other than a firearm; upon (a) the
366 property of any public, private or ~~parochial~~ *religious* elementary, middle or high school, including
367 buildings and grounds; (b) that portion of any property open to the public used for school-sponsored

functions or extracurricular activities while such functions or activities are taking place; or (c) any school bus owned or operated by any such school, he shall be guilty of a Class 1 misdemeanor.

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

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

As used in this section:

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

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

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

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

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days;

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

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

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

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

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

7. Agencies of any political subdivision of the Commonwealth for the conduct of investigations of applicants for public employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a

429 person with a conviction record would be compatible with the nature of the employment, permit, or
430 license under consideration;

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

437 9. To the extent permitted by federal law or regulation, public service companies as defined in
438 § 56-1, for the conduct of investigations of applicants for employment when such employment involves
439 personal contact with the public or when past criminal conduct of an applicant would be incompatible
440 with the nature of the employment under consideration;

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

443 11. A person requesting a copy of his own criminal history record information as defined in
444 § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a
445 person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of
446 America, (ii) a volunteer fire company or volunteer rescue squad, (iii) the Volunteer Emergency
447 Families for Children, (iv) any affiliate of Prevent Child Abuse, Virginia, or (v) any Virginia affiliate of
448 Compeer;

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

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

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

463 15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations
464 of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital
465 pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to
466 the limitations set out in subsection E;

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

471 17. The Alcoholic Beverage Control Board for the conduct of investigations as set forth in
472 § 4.1-103.1;

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

476 19. The Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse
477 Services for those individuals who are committed to the custody of the Commissioner pursuant to
478 §§ 19.2-169.2, 19.2-169.6, 19.2-176, 19.2-177.1, 19.2-182.2, 19.2-182.3, 19.2-182.8 and 19.2-182.9 for
479 the purpose of placement, evaluation, and treatment planning;

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

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

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

490 23. Pursuant to § 22.1-296.3, the governing boards or administrators of private or ~~parochial~~ religious

elementary or secondary schools which are accredited by a statewide accrediting organization recognized, prior to January 1, 1996, by the State Board of Education or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

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

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

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

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

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

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

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

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

32. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

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

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

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

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

E. Criminal history information provided to licensed nursing homes, hospitals and to home care

organizations pursuant to subdivision 15 of subsection A shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02 and 32.1-162.9:1.

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

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

Each state board, state agency and state institution having children in residence or in custody shall have responsibility for providing for the education and training to such children which is at least comparable to that which would be provided to such children in the public school system. Such board, agency or institution may provide such education and training either directly with its own facilities and personnel in cooperation with the Board of Education or under contract with a school division or any other public or private ~~nonsectarian~~ *nonreligious* school, agency or institution. The Board of Education shall supervise the education and training provided to school-age residents in state mental retardation facilities and provide for and direct the education for school-age residents in state mental health facilities in cooperation with the Department of Mental Health, Mental Retardation and Substance Abuse Services. The Board shall prescribe standards and regulations for all such education and training provided directly by a state board, state agency or state institution. Each state board, state agency or state institution providing such education and training shall submit annually its program therefor to the Board of Education for approval in accordance with regulations of the Board. If any child in the custody of any state board, state agency or state institution is a child with disabilities as defined in § 22.1-213 and such board, agency or institution must contract with a private ~~nonsectarian~~ *nonreligious* school to provide special education as defined in § 22.1-213 for such child, the state board, state agency or state institution may proceed as a guardian pursuant to the provisions of § 22.1-218 A.

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

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

§ 22.1-212.5. Objectives; definitions.

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

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B. As used in this article:

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

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

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

§ 22.1-212.8. Charter application.

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

- 614 B. The public charter school application shall be a proposed agreement and shall include:
- 615 1. The mission statement of the public charter school that must be consistent with the principles of
- 616 the Standards of Quality.
- 617 2. The goals and educational objectives to be achieved by the public charter school, which
- 618 educational objectives must meet or exceed the Standards of Learning.
- 619 3. (Effective until July 1, 2009) Evidence that an adequate number of parents, teachers, pupils,
- 620 residents of the school division, or any combination thereof, support the formation of a public charter
- 621 school.
- 622 3. (Effective July 1, 2009) Evidence that an adequate number of parents, teachers, pupils, or any
- 623 combination thereof, support the formation of a public charter school.
- 624 4. A statement of the need for a public charter school in a school division or relevant school
- 625 divisions in the case of a regional public charter school, or in a geographic area within a school division
- 626 or relevant school divisions, as the case may be.
- 627 5. A description of the public charter school's educational program, pupil performance standards, and
- 628 curriculum, which must meet or exceed any applicable Standards of Quality; any assessments to be used
- 629 to measure pupil progress towards achievement of the school's pupil performance standards, in addition
- 630 to the Standards of Learning assessments prescribed by § 22.1-253.13:3; the timeline for achievement of
- 631 such standards; and the procedures for taking corrective action in the event that pupil performance at the
- 632 public charter school falls below such standards.
- 633 6. A description of the lottery process to be used to determine enrollment. A lottery process shall
- 634 also be developed for the establishment of a waiting list for such students for whom space is unavailable
- 635 and, if appropriate, a tailored admission policy that meets the specific mission or focus of the public
- 636 charter school and is consistent with all federal and state laws and regulations and constitutional
- 637 provisions prohibiting discrimination that are applicable to public schools and with any court-ordered
- 638 desegregation plan in effect for the school division or, in the case of a regional public charter school, in
- 639 effect for any of the relevant school divisions.
- 640 7. Evidence that the plan for the public charter school is economically sound for both the public
- 641 charter school and the school division or relevant school divisions, as the case may be; a proposed
- 642 budget for the term of the charter; and a description of the manner in which an annual audit of the
- 643 financial and administrative operations of the public charter school, including any services provided by
- 644 the school division or relevant school divisions, as the case may be, is to be conducted.
- 645 8. A plan for the displacement of pupils, teachers, and other employees who will not attend or be
- 646 employed in the public charter school, in instances of the conversion of an existing public school to a
- 647 public charter school, and for the placement of public charter school pupils, teachers, and employees
- 648 upon termination or revocation of the charter.
- 649 9. A description of the management and operation of the public charter school, including the nature
- 650 and extent of parental, professional educator, and community involvement in the management and
- 651 operation of the public charter school.
- 652 10. An explanation of the relationship that will exist between the proposed public charter school and
- 653 its employees, including evidence that the terms and conditions of employment have been addressed
- 654 with affected employees.
- 655 11. An agreement between the parties regarding their respective legal liability and applicable
- 656 insurance coverage.
- 657 12. A description of how the public charter school plans to meet the transportation needs of its
- 658 pupils.
- 659 13. Assurances that the public charter school (i) is ~~nonsectarian~~ *nonreligious* in its programs,
- 660 admission policies, employment practices, and all other operations and (ii) does not charge tuition.
- 661 14. In the case of a residential charter school for at-risk students, a description of (i) the residential
- 662 program, facilities, and staffing; (ii) any parental education and after-care initiatives; (iii) the funding
- 663 sources for the residential and other services provided; and (iv) any counseling or other social services
- 664 to be provided and their coordination with any current state or local initiatives.
- 665 15. (Effective until July 1, 2009) Disclosure of any ownership or financial interest in the public
- 666 charter school, by the charter applicant and the governing body, administrators, and other personnel of
- 667 the proposed public charter school, and a requirement that the successful applicant and the governing
- 668 body, administrators, and other personnel of the public charter school shall have a continuing duty to
- 669 disclose such interests during the term of any charter.
- 670 C. (Effective until July 1, 2009) The charter applicant shall include in the proposed agreement the
- 671 results of any Board of Education review of the public charter school application that may have been
- 672 conducted as provided in subsection C of § 22.1-212.9.
- 673 § 22.1-218. Reimbursement for placement in private schools; reimbursement of school boards from
- 674 state funds.

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

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

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

685 § 22.1-271.1. Definitions.

686 For the purpose of § 22.1-271.2:

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

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

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

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

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

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

704 § 22.1-296.3. Certain private school employees subject to fingerprinting and criminal records checks.

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

713 The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no
714 record exists, shall report to the governing board or administrator, or to a private organization
715 coordinating such records on behalf of such governing board or administrator pursuant to a written
716 agreement with the Department of State Police, that the applicant meets the criteria or does not meet the
717 criteria for employment based on whether or not the applicant has ever been convicted of the following
718 crimes or their equivalent if from another jurisdiction: any offense set forth in § 63.2-1719 or
719 § 63.2-1726, use of a firearm in the commission of a felony as set out in § 18.2-53.1, or an equivalent
720 offense in another state.

721 B. The Central Criminal Records Exchange shall not disclose information to such governing board,
722 administrator, or private organization coordinating such records regarding charges or convictions of any
723 crimes. If any applicant is denied employment because of information appearing on the criminal history
724 record and the applicant disputes the information upon which the denial was based, the Central Criminal
725 Records Exchange shall, upon request, furnish the applicant the procedures for obtaining a copy of the
726 criminal history record from the Federal Bureau of Investigation. The information provided to the
727 governing board, administrator, or private organization coordinating such records shall not be
728 disseminated except as provided in this section. A governing board or administrator employing or
729 previously employing a temporary teacher or a private organization coordinating such records on behalf
730 of such governing board or administrator pursuant to a written agreement with the Department of State
731 Police may disseminate, at the written request of such temporary teacher, whether such teacher meets the
732 criteria or does not meet the criteria for employment pursuant to subsection A to the governing board or
733 administrator of another accredited private or ~~parochial~~ religious elementary or secondary school in
734 which such teacher has accepted employment. Such governing board, administrator, or private
735 organization transferring criminal records information pursuant to this section shall be immune from
736 civil liability for any official act, decision or omission done or made in the performance of such transfer,

when such acts or omissions are taken in good faith and are not the result of gross negligence or willful misconduct.

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

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

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

§ 23-50.16:12. 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 may be acquired without its consent. *Property belonging to a church, whether incorporated or unincorporated, may be acquired without its consent.*

§ 46.2-100. Definitions.

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

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

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

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

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

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

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

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

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

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

"Commission" means the State Corporation Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

845 "Intersection" means (i) the area embraced within the prolongation or connection of the lateral
846 curblines or, if none, then the lateral boundary lines of the roadways of two highways that join one
847 another at, or approximately at, right angles, or the area within which vehicles traveling on different
848 highways joining at any other angle may come in conflict; (ii) where a highway includes two roadways
849 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting
850 highway shall be regarded as a separate intersection, in the event such intersecting highway also
851 includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways
852 shall be regarded as a separate intersection; or (iii) for purposes only of authorizing installation of
853 traffic-control devices, every crossing of a highway or street at grade by a pedestrian crosswalk.

854 "Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make
855 arrests for violations of this title or local ordinances authorized by law. For the purposes of access to
856 law-enforcement databases regarding motor vehicle registration and ownership only, this term shall also
857 include city and county commissioners of the revenue and treasurers, together with their duly designated
858 deputies and employees, when such officials are actually engaged in the enforcement of §§ 46.2-752,
859 46.2-753 and 46.2-754 and local ordinances enacted thereunder.

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

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

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

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

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

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

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

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

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

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

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

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

"Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of an agreement for its conditional sale or lease with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or

921 lessee or mortgagor shall be the owner for the purpose of this title. In all such instances when the rent
922 paid by the lessee includes charges for services of any nature or when the lease does not provide that
923 title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner
924 of the vehicle, and the vehicle shall be subject to such requirements of this title as are applicable to
925 vehicles operated for compensation. A "truck lessor" as defined in this section shall be regarded as the
926 owner, and his vehicles shall be subject to such requirements of this title as are applicable to vehicles of
927 private carriers.

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

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

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

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

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

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

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

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

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

952 "School bus" means any motor vehicle, other than a station wagon, automobile, truck, or commercial
953 bus, which is: (i) designed and used primarily for the transportation of pupils to and from public, private
954 or ~~parochial~~ *religious* schools, or used for the transportation of the mentally or physically handicapped
955 to and from a sheltered workshop; (ii) painted yellow and bears the words "School Bus" in black letters
956 of a specified size on front and rear; and (iii) is equipped with warning devices prescribed in
957 § 46.2-1090. A yellow school bus may have a white roof provided such vehicle is painted in accordance
958 with regulations promulgated by the Department of Education.

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

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

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

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

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

972 "Specially constructed vehicle" means any vehicle that was not originally constructed under a
973 distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not a
974 reconstructed vehicle as herein defined.

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

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

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

982 "Towing and recovery operator" means a person engaged in the business of (i) removing disabled

vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping and (ii) restoring to the highway or other location where they either can be operated or removed to other locations for repair or safekeeping vehicles that have come to rest in places where they cannot be operated.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate.

1044 Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed
1045 in subdivision 7 of this subsection on submission to the Commissioner of a declaration of operations and
1046 equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more
1047 than 4,000 pounds.

1048 7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle,
1049 trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed
1050 under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000
1051 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating
1052 two or more vehicles both within and outside the Commonwealth and registered for insurance purposes
1053 with the Surface Transportation Board of the United States Department of Transportation, Federal
1054 Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of
1055 such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the
1056 registration fees provided in this subsection so that the total registration fees to be paid for such vehicles
1057 of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total
1058 number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total
1059 number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in
1060 each instance is the estimated total mileage to be traveled by such vehicles during the license year for
1061 which such fees are paid, subject to the adjustment in accordance with an audit to be made by
1062 representatives of the Commissioner at the end of such license year, the expense of such audit to be
1063 borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and
1064 licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less
1065 than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles,
1066 trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion
1067 in determining the apportionment provided for herein.

1068 8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer
1069 or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the
1070 transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than
1071 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

1072 9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a
1073 chauffeur for the transportation of passengers, and which operates or should operate under permits issued
1074 by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs
1075 more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

1076 10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a
1077 surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

1078 11. Twenty-three dollars for a bus used exclusively for transportation to and from ~~Sunday~~ church
1079 school, *for the purpose of religious instruction*, or church, for the purpose of divine worship. If the
1080 empty weight of the vehicle exceeds 4,000 pounds, the fee shall be \$28.

1081 12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-carrying
1082 vehicles.

1083 13. An additional fee of \$4 per year shall be charged and collected at the time of registration of each
1084 pickup or panel truck and each motor vehicle under subdivisions 1 through 12 of this subsection. All
1085 funds collected pursuant to this subdivision shall be paid into the state treasury and shall be set aside as
1086 a special fund to be used only for emergency medical service purposes. The moneys in the special fund
1087 shall be distributed as follows:

1088 a. Two percent shall be distributed to the State Department of Health to provide funding to the
1089 Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting
1090 volunteer recruitment, retention and training activities;

1091 b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency
1092 medical services training programs (excluding advanced life support classes); (ii) advanced life support
1093 training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and
1094 retain volunteer emergency medical services personnel only, including public awareness campaigns,
1095 technical assistance programs, and similar activities); (iv) emergency medical services system
1096 development, initiatives, and priorities based on needs identified by the State Emergency Medical
1097 Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical
1098 services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication
1099 enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for
1100 distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to
1101 the Rescue Squad Assistance Fund;

1102 c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

1103 d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical
1104 Services for use in emergency medical services; and

1105 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.

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

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

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

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

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

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

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

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

1167 dental surgery, licensed nurse practitioner as authorized in his practice protocol, or a licensed physician
 1168 assistant acting under the supervision of a licensed physician.

1169 In addition, after completing a three-year period of active practice upon the referral and direction of
 1170 a licensed doctor of medicine, osteopathy, chiropractic, podiatry, dental surgery, licensed nurse
 1171 practitioner as authorized in his practice protocol, or a licensed physician assistant acting under the
 1172 supervision of a licensed physician, a physical therapist may conduct a one-time evaluation, that does
 1173 not include treatment, of a patient who does not meet the conditions established in (i) through (iv)
 1174 without the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry,
 1175 dental surgery, licensed nurse practitioner as authorized in his practice protocol, or a licensed physician
 1176 assistant acting under the supervision of a licensed physician; if appropriate, the physical therapist shall
 1177 immediately refer such patient to the appropriate practitioner.

1178 C. Invasive procedures within the scope of practice of physical therapy shall at all times be
 1179 performed only under the referral and direction of a licensed doctor of medicine, osteopathy,
 1180 chiropractic, podiatry, dental surgery, licensed nurse practitioner as authorized in his practice protocol, or
 1181 a licensed physician assistant acting under the supervision of a licensed physician.

1182 D. It shall be unlawful for any licensed physical therapist to fail to immediately refer any patient to a
 1183 licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, or a licensed nurse
 1184 practitioner as authorized in his practice protocol, whose medical condition is determined, at the time of
 1185 evaluation or treatment, to be beyond the physical therapist's scope of practice. Upon determining that
 1186 the patient's medical condition is beyond the scope of practice of a physical therapist, a physical
 1187 therapist shall immediately refer such patient to an appropriate practitioner.

1188 E. Any person licensed as a physical therapist assistant shall perform his duties only under the
 1189 direction and control of a licensed physical therapist.

1190 F. However, a licensed physical therapist may provide, without referral or supervision, physical
 1191 therapy services to (i) a student athlete participating in a school-sponsored athletic activity while such
 1192 student is at such activity in a public, private, ~~denominational or parochial~~ or religious elementary,
 1193 middle or high school, or public or private institution of higher education when such services are
 1194 rendered by a licensed physical therapist who is certified as an athletic trainer by the National Athletic
 1195 Trainers' Association Board of Certification or as a sports certified specialist by the American Board of
 1196 Physical Therapy Specialties; (ii) employees solely for the purpose of evaluation and consultation related
 1197 to workplace ergonomics; (iii) special education students who, by virtue of their individualized education
 1198 plans (IEPs), need physical therapy services to fulfill the provisions of their IEPs; (iv) the public for the
 1199 purpose of wellness, fitness, and health screenings; (v) the public for the purpose of health promotion
 1200 and education; and (vi) the public for the purpose of prevention of impairments, functional limitations,
 1201 and disabilities.

1202 § 57-16.1. Property of unincorporated church held by corporation.

1203 Whenever the laws, rules, or ecclesiastic polity of an unincorporated church or religious body
 1204 provide for it to create a corporation to hold, administer, and manage its real and personal property,
 1205 such corporation shall have the power to (i) acquire by deed, devise, gift, purchase, or otherwise, any
 1206 real or personal property for any purpose authorized and permitted by the laws, rules, or ecclesiastic
 1207 polity of the church or body, and not prohibited by the law of the Commonwealth and (ii) hold,
 1208 improve, mortgage, sell, and convey the same in accordance with such law, rules, and ecclesiastic
 1209 polity, and in accordance with the law of the Commonwealth.

1210 § 58.1-811. Exemptions.

1211 A. The taxes imposed by §§ 58.1-801 and 58.1-807 shall not apply to any deed conveying real estate
 1212 or lease of real estate:

1213 1. To an incorporated college or other incorporated institution of learning not conducted for profit,
 1214 where such real estate is intended to be used for educational purposes and not as a source of revenue or
 1215 profit;

1216 2. To an incorporated church or religious body or to the trustee or trustees of any church or religious
 1217 body, or a corporation mentioned in § 57-16.1, where such real estate is intended to be used exclusively
 1218 for religious purposes, or for the residence of the minister of any such church or religious body;

1219 3. To the United States, the Commonwealth, or to any county, city, town, district or other political
 1220 subdivision of the Commonwealth;

1221 4. To the Virginia Division of the United Daughters of the Confederacy;

1222 5. To any nonstock corporation organized exclusively for the purpose of owning and/or operating a
 1223 hospital or hospitals not for pecuniary profit;

1224 6. To a corporation upon its organization by persons in control of the corporation in a transaction
 1225 which qualifies for nonrecognition of gain or loss pursuant to § 351 of the Internal Revenue Code as it
 1226 exists at the time of the conveyance;

1227 7. From a corporation to its stockholders upon complete or partial liquidation of the corporation in a
 1228 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

1290 subsection B, ~~mean~~ and subdivision 6 of subsection C, include the trustees mentioned in § 57-8 and the
1291 ecclesiastical officers mentioned in § 57-16.

1292 H. No recordation tax levied pursuant to this chapter shall be levied on the release of a contractual
1293 right, if the release is contained within a single deed that performs more than one function, and at least
1294 one of the other functions performed by the deed is subject to the recordation tax.

1295 § 58.1-2259. Fuel uses eligible for refund.

1296 A. A refund of the tax paid for the purchase of fuel in quantities of five gallons or more at any time
1297 shall be granted in accordance with the provisions of § 58.1-2261 to any person who establishes to the
1298 satisfaction of the Commissioner that such person has paid the tax levied pursuant to this chapter upon
1299 any fuel:

1300 1. Sold and delivered to a governmental entity for its exclusive use;

1301 2. Used by a governmental entity, provided persons operating under contract with a governmental
1302 entity shall not be eligible for such refund;

1303 3. Sold and delivered to an organization described in subdivision 2 of § 58.1-2226 or subdivision 2
1304 of § 58.1-2250 for its exclusive use in the operation of an aircraft;

1305 4. Used by an organization described in subdivision 2 of § 58.1-2226 or subdivision 2 of § 58.1-2250
1306 for its exclusive use in the operation of an aircraft, provided persons operating under contract with such
1307 an organization shall not be eligible for such refund;

1308 5. Purchased by a licensed exporter and subsequently transported and delivered by such licensed
1309 exporter to another state for sales or use outside the boundaries of the Commonwealth if the tax
1310 applicable in the destination state has been paid, provided a refund shall not be granted pursuant to this
1311 section on any fuel which is transported and delivered outside of the Commonwealth in the fuel supply
1312 tank of a highway vehicle or an aircraft;

1313 6. Used by any person performing transportation under contract or lease with any transportation
1314 district for use in a highway vehicle controlled by a transportation district created under the
1315 Transportation District Act of 1964 (§ 15.2-4500 et seq.) and used in providing transit service by the
1316 transportation district by contract or lease, provided the refund shall be paid to the person performing
1317 such transportation;

1318 7. Used by any private, nonprofit agency on aging, designated by the Department for the Aging,
1319 providing transportation services to citizens in highway vehicles owned, operated or under contract with
1320 such agency;

1321 8. Used in operating or propelling highway vehicles owned by a nonprofit organization that provides
1322 specialized transportation to various locations for elderly or disabled individuals to secure essential
1323 services and to participate in community life according to the individual's interest and abilities;

1324 9. Used in operating or propelling buses owned and operated by a county or the school board thereof
1325 while being used to transport children to and from public school or from school to and from educational
1326 or athletic activities;

1327 10. Used by buses owned or solely used by a private, nonprofit, ~~nonsectarian~~ nonreligious school
1328 while being used to transport children to and from such school or from such school to and from
1329 educational or athletic activities;

1330 11. Used by any county or city school board or any private, nonprofit, ~~nonsectarian~~ nonreligious
1331 school contracting with a private carrier to transport children to and from public schools or any private,
1332 nonprofit, ~~nonsectarian~~ nonreligious school, provided the tax shall be refunded to the private carrier
1333 performing such transportation;

1334 12. Used in operating or propelling the equipment of volunteer firefighting companies and of
1335 volunteer rescue squads within this the Commonwealth used actually and necessarily for firefighting and
1336 rescue purposes;

1337 13. Used in operating or propelling motor equipment belonging to counties, cities and towns, if
1338 actually used in public activities;

1339 14. Used for a purpose other than in operating or propelling highway vehicles, watercraft or aircraft;

1340 15. Used off-highway in self-propelled equipment manufactured for a specific off-road purpose,
1341 which is used on a job site and the movement of which on any highway is incidental to the purpose for
1342 which it was designed and manufactured;

1343 16. Proven to be lost by accident, including the accidental mixing of (i) dyed diesel fuel with
1344 tax-paid motor fuel, (ii) gasoline with diesel fuel, or (iii) undyed diesel fuel with dyed kerosene, but
1345 excluding fuel lost through personal negligence or theft;

1346 17. Used in operating or propelling vehicles used solely for racing other vehicles on a racetrack;

1347 18. Used in operating or propelling unlicensed highway vehicles and other unlicensed equipment
1348 used exclusively for agricultural or horticultural purposes on lands owned or leased by the owner or
1349 lessee of such vehicles and not operated on or over any highway for any purpose other than to move it
1350 in the manner and for the purpose mentioned. The amount of refund shall be equal to the amount of the
1351 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 refund under this subsection shall be equal to the amount of the taxes paid, except refunds granted on the tax paid on fuel used by a taxicab service shall be in an amount equal to the tax paid less ~~one cent~~ \$0.01 per gallon on the fuel used.

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

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

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

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

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

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

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

3. Nonprofit private or public burying grounds or cemeteries.

4. Property owned by public libraries, law libraries of local bar associations when the same are used

1413 or available for use by a state court or courts or the judge or judges thereof, medical libraries of local
1414 medical associations when the same are used or available for use by state health officials, incorporated
1415 colleges or other institutions of learning not conducted for profit. This paragraph shall apply only to
1416 property primarily used for literary, scientific or educational purposes or purposes incidental thereto and
1417 shall not apply to industrial schools which sell their products to other than their own employees or
1418 students.

1419 5. Property belonging to and actually and exclusively occupied and used by the Young Men's
1420 Christian Associations and similar religious associations, including religious mission boards and
1421 associations, orphan or other asylums, reformatories, hospitals and nunneries, conducted not for profit
1422 but exclusively as charities (which shall include hospitals operated by nonstock corporations not
1423 organized or conducted for profit but which may charge persons able to pay in whole or in part for their
1424 care and treatment).

1425 6. Parks or playgrounds held by trustees for the perpetual use of the general public.

1426 7. Buildings with the land they actually occupy, and the furniture and furnishings therein belonging
1427 to any benevolent or charitable organization and used by it exclusively for lodge purposes or meeting
1428 rooms, together with such additional adjacent land as may be necessary for the convenient use of the
1429 buildings for such purposes.

1430 8. Property of any nonprofit corporation organized to establish and maintain a museum.

1431 B. Property, belonging in one of the classes listed in subsection A of this section, which was exempt
1432 from taxation on July 1, 1971, shall continue to be exempt from taxation under the rules of statutory
1433 construction applicable to exempt property prior to such date.

1434 § 58.1-3617. Churches and religious bodies.

1435 Any church, religious association or religious denomination operated exclusively on a nonprofit basis
1436 for charitable, religious or educational purposes is hereby classified as a religious and charitable
1437 organization. Notwithstanding § 58.1-3609, only property of such association or denomination used
1438 exclusively for charitable, religious or educational purposes shall be so exempt from taxation.

1439 Motor vehicles owned or leased by churches and used predominantly for church purposes, are hereby
1440 classified as property used by its owner for religious purposes.

1441 For purposes of this section, property of a church, religious association or religious denomination, *or*
1442 *religious body* owned or leased in the name of *an incorporated church or religious body or corporation*
1443 *mentioned in § 57-16.1*, a duly designated ecclesiastical officer, or ~~of~~ a trustee *of an unincorporated*
1444 *church or religious body* shall be deemed to be owned by such church, association or denomination *or*
1445 *religious body*.