

VIRGINIA ACTS OF ASSEMBLY -- 2010 SESSION

CHAPTER 578

An Act to amend and reenact § 54.1-1806 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-1802.1 and to repeal § 54.1-1802 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; powers and duties with respect to polygraph examiners.

[H 1219]

Approved April 11, 2010

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-1806 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-1802.1 as follows:

§ 54.1-1802.1. Powers and duties of the Department.

The Department shall administer and enforce the provisions of this chapter. In addition to the powers and duties otherwise conferred by the law, the Director shall have the powers and duties of a regulatory board as contained in §§ 54.1-201 and 54.1-202 and shall have the power and duty to:

1. Promulgate regulations necessary for the reasonable administration of this chapter in accordance with the Administrative Process Act (§ 2.2-4000 et seq.);

2. Charge each applicant for licensure and for renewals of licensure a nonrefundable fee subject to the provisions of § 54.1-113 and subdivision 4 of § 54.1-201; and

3. Conduct investigations to determine the suitability of applicants for licensure and to determine the licensee's compliance with applicable statutes and regulations.

§ 54.1-1806. Prohibition of use of certain questions on polygraph tests for employment.

No licensed polygraph operator shall, during a polygraph examination required as a condition of employment, ask any question concerning the sexual activities of the person being examined if the question violates state or federal law. A violation of this section shall constitute grounds for disciplinary action pursuant to § ~~54.1-1802~~ 54.1-1802.1.

2. That § 54.1-1802 of the Code of Virginia is repealed.