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SENATE BILL NO. 1292

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Commerce and Labor
on January 28, 2013)

(Patron Prior to Substitute—Senator Obenshain)

A *BILL to amend and reenact § 40.1-11.3 of the Code of Virginia, relating to human trafficking; notices by employers; truck stops.*

Be it enacted by the General Assembly of Virginia:

1. That § 40.1-11.3 of the Code of Virginia is amended and reenacted as follows:

§ 40.1-11.3. Human trafficking hotline; posted notice required; civil penalty.

A. Any employer who (i) operates a business that provides entertainment commonly called stripteasing or topless entertaining or entertainment that has employees who are not clad above or below the waist and (ii) fails to post notice of the existence of a human trafficking hotline to alert potential human trafficking victims of the availability of assistance, is subject to a civil penalty of \$500 payable. *Civil penalties under this subsection shall be assessed by the Department and paid to the Literary Fund.* The notice required by this ~~section~~ subsection shall be posted in the same location where other employee notices required by state or federal law are posted. The provisions of this subsection shall not apply to businesses *described in this subsection* providing entertainment in theaters, concert halls, art centers, museums, or similar establishments that are devoted primarily to the arts or theatrical performances, when the performances that are presented are expressing matters of serious literary, artistic, scientific, or political value.

B. Any employer who (i) operates a truck stop and (ii) fails to post notice of the existence of a human trafficking hotline to alert possible witnesses or victims of human trafficking of the availability to report crimes or gain assistance, which failure is not cured within 72 hours following notification to the employer of such failure by the Department, is subject to a civil penalty of \$100 per truck stop. *Civil penalties under this subsection shall be assessed by the Department and paid to the Literary Fund, provided that no civil penalty shall be assessed under this subsection prior to January 1, 2014. The notice required by this subsection shall be posted (a) in the same location where other employee notices required by state or federal law are posted and (b) in a prominent location in each restroom at the truck stop. As used in this subsection, "truck stop" means a facility that is capable of fueling a vehicle that bears an IFTA identification marker as those terms are defined in § 58.1-2700.*

C. The Department shall (i) determine the content of the notice which shall include the National Human Trafficking Resource Center Hotline, (ii) *determine* the size of the notice, (iii) determine the languages in which the notice is to be posted, and (iv) publish the notice size and notice languages, and make the notice available in each of those languages, on the website of the Department and by any other means of publication the Department deems appropriate. The Department is not otherwise required to produce or distribute the notice. *An employer is not required to use a notice produced by the Department, provided the notice complies with guidelines established by the Department. The Department may certify that a notice produced by an employer or other entity complies with the requirements of this section.*