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HOUSE BILL NO. 2137

Offered January 9, 2019

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A BILL to amend and reenact §§ 3.2-6528, 8.01-384.1, 19.2-152.4:3, 22.1-213, 22.1-214, 22.1-217.01, 22.1-319, 32.1-64.1, 32.1-64.2, 36-99.5, 46.2-342, 51.5-44, 51.5-45, and 54.1-2600 of the Code of Virginia, relating to persons who are deaf or hard of hearing; terminology.

Patron—Thomas

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6528, 8.01-384.1, 19.2-152.4:3, 22.1-213, 22.1-214, 22.1-217.01, 22.1-319, 32.1-64.1, 32.1-64.2, 36-99.5, 46.2-342, 51.5-44, 51.5-45, and 54.1-2600 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-6528. Amount of license tax.

The governing body of each county or city shall impose by ordinance a license tax on the ownership of dogs within its jurisdiction. The governing body of any locality that has adopted an ordinance pursuant to subsection B of § 3.2-6524 shall impose by ordinance a license tax on the ownership of cats within its jurisdiction. The governing body may establish different rates of taxation for ownership of female dogs, male dogs, spayed or neutered dogs, female cats, male cats, and spayed or neutered cats. The tax for each dog or cat shall not be more than \$10 for each year or \$50 for a lifetime license issued pursuant to subsection B of § 3.2-6530. If the dog or cat has been spayed, the tax shall not exceed the tax provided for a male dog or cat. Any ordinance may provide for an annual license tax for kennels of 10, 20, 30, 40, or 50 dogs or cats not to exceed \$50 for any one such block of kennels.

No license tax shall be levied on any dog that is trained and serves as (i) a guide dog for a blind person, that is trained and serves as (ii) a hearing dog for a person who is deaf or hearing-impaired person hard of hearing, or that is trained and serves as (iii) a service dog for a mobility-impaired or otherwise disabled person.

As used in this section, "hearing dog," "mobility-impaired person," "otherwise disabled person," and "service dog" have the same meanings as assigned in § 51.5-40.1.

§ 8.01-384.1. Interpreters for deaf in civil proceedings.

In any civil proceeding in which a speech-impaired or hearing-impaired person or a person who is deaf or hard of hearing is a party or witness, the court may appoint a qualified interpreter to assist such person in the proceeding. The court shall appoint an interpreter for any speech-impaired or hearing-impaired person or person who is deaf or hard of hearing who requests this assistance.

Interpreters for the deaf and hard of hearing in these proceedings shall be procured through the Department for the Deaf and Hard-of-Hearing.

Any person who is eligible for an interpreter pursuant to this section may waive the use of an interpreter appointed by the court for all or a portion of the proceedings. A person who waives his right to an interpreter may provide his own interpreter at his own expense without regard to whether the interpreter is qualified under this section.

The compensation of interpreters appointed pursuant to this section shall be fixed by the court and paid from the general fund of the state treasury or may, in the discretion of the court, be assessed as a part of the cost of the proceedings.

The provisions of this section shall apply in both circuit courts and district courts.

§ 19.2-152.4:3. Duties and responsibilities of local pretrial services officers.

A. Each local pretrial services officer, for the jurisdictions served, shall:

1. Investigate and interview defendants arrested on state and local warrants and who are detained in jails located in jurisdictions served by the agency while awaiting a hearing before any court that is considering or reconsidering bail, at initial appearance, advisement or arraignment, or at other subsequent hearings;

2. Present a pretrial investigation report with recommendations to assist courts in discharging their duties related to granting or reconsidering bail;

3. Supervise and assist all defendants residing within the jurisdictions served and placed on pretrial supervision by any judicial officer within the jurisdictions to ensure compliance with the terms and conditions of bail;

4. Conduct random drug and alcohol tests on any defendant under supervision for whom a judicial officer has ordered testing or who has been required to refrain from excessive use of alcohol or use of

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59 any illegal drug or controlled substance or other defendant-specific condition of bail related to alcohol or
60 substance abuse;

61 5. Seek a *capias* from any judicial officer pursuant to § 19.2-152.4:1 for any defendant placed under
62 supervision or the custody of the agency who fails to comply with the conditions of bail or supervision,
63 when continued liberty or noncompliance presents a risk of flight, a risk to public safety or risk to the
64 defendant;

65 6. Seek an order to show cause why the defendant should not be required to appear before the court
66 in those cases requiring a subsequent hearing before the court;

67 7. Provide defendant-based information to assist any law-enforcement officer with the return to
68 custody of defendants placed on supervision for which a *capias* has been sought; and

69 8. Keep such records and make such reports as required by the Commonwealth of Virginia
70 Department of Criminal Justice Services.

71 B. Each local pretrial services officer, for the jurisdictions served, may provide the following optional
72 services, as appropriate and when available resources permit:

73 1. Conduct, subject to court approval, drug and alcohol screenings, or tests at investigation pursuant
74 to subsection B of § 19.2-123 or following release to supervision, and conduct or facilitate the
75 preparation of screenings or assessments or both pursuant to state approved protocols;

76 2. Facilitate placement of defendants in a substance abuse education or treatment program or services
77 or other education or treatment service when ordered as a condition of bail;

78 3. Sign for the custody of any defendant investigated by a pretrial services officer, and released by a
79 court to pretrial supervision as the sole term and condition of bail or when combined with an unsecured
80 bond;

81 4. Provide defendant information and investigation services for those who are detained in jails
82 located in jurisdictions served by the agency and are awaiting an initial bail hearing before a magistrate;

83 5. Supervise defendants placed by any judicial officer on home electronic monitoring as a condition
84 of bail and supervision;

85 6. Prepare, for defendants investigated, the financial statement-eligibility determination form for
86 indigent defense services; and

87 7. Subject to approved procedures and if so requested by the court, coordinate for defendants
88 investigated, services for court-appointed counsel and for interpreters for foreign-language speaking and
89 ~~hearing-impaired deaf or hard of hearing~~ defendants.

90 **§ 22.1-213. Definitions.**

91 As used in this article:

92 "Children with disabilities" means those persons (i) who are age two to 21, inclusive, having reached
93 the age of two by the date specified in § 22.1-254.; (ii) who have intellectual disability or serious
94 emotional disturbance, ~~or~~ are physically disabled, speech impaired, ~~hearing impaired deaf or hard of~~
95 ~~hearing~~, visually impaired, or multiple disabled, ~~or~~ are otherwise health impaired, including those who
96 have autism spectrum disorder or a specific learning disability, or are otherwise disabled as defined by
97 the Board of Education; and (iii) who because of such impairments need special education.

98 "Related services" means transportation and such developmental, corrective, and other supportive
99 services as are required to assist a disabled child to benefit from special education, including speech
100 pathology and audiology, psychological services, physical and occupational therapy, recreation, early
101 identification and assessment of disabilities in children, counseling services, and medical services for
102 diagnostic or evaluation purposes. ~~The term~~ "Related services" also includes school health services,
103 social work services in schools, and parent counseling and training.

104 "Special education" means specially designed instruction at no cost to the parent; to meet the unique
105 needs of a disabled child, including classroom instruction, home instruction, instruction provided in
106 hospitals and institutions, instruction in physical education, and instruction in career and technical
107 education.

108 "Specific learning disability" means a disorder in one or more of the basic psychological processes
109 involved in understanding or using language, spoken or written, which may manifest itself in an
110 imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. ~~The term~~
111 "Specific learning disability" does not include children who have learning problems that are primarily
112 the result of visual, hearing, or motor handicaps, of intellectual disability, or of environmental, cultural,
113 or economic disadvantage.

114 **§ 22.1-214. Board to prepare special education program for children with disabilities.**

115 A. The Board of Education shall prepare and supervise the implementation by each school division
116 of a program of special education designed to educate and train children with disabilities between the
117 ages defined in § 22.1-213 and may prepare and place in operation such program for such individuals of
118 other ages. The program developed by the Board of Education shall be designed to ensure that all
119 children with disabilities have available to them a free and appropriate education, including specially
120 designed instruction to meet the unique needs of such children. The program shall require (i) that the

121 hearing of each disabled child be tested prior to placement in a special education program and (ii) that a
 122 complete audiological assessment, including tests ~~which that~~ will assess inner and middle ear
 123 functioning, be performed on each child who is ~~hearing impaired deaf or hard of hearing~~ or who fails
 124 the test required in clause (i). The school boards of the several school divisions, the Department for the
 125 Blind and Vision Impaired, the Department for the Deaf and Hard-of-Hearing, the Department of Health,
 126 and other state and local agencies ~~which that~~ can or may be able to assist in providing educational and
 127 related services shall assist and cooperate with the Board of Education in the development of such
 128 program.

129 B. The Board of Education shall prescribe procedures to afford due process to children with
 130 disabilities and their parents or guardians and to school divisions in resolving disputes as to program
 131 placements, individualized education programs, tuition eligibility and other matters as defined in state or
 132 federal statutes or regulations. These procedures shall encourage the use of mediation as an informal
 133 means of resolving such disputes. Mediation shall not, however, be used to deny or delay the due
 134 process rights of parents or guardians. The procedures shall require that all testimony be given under
 135 oath or affirmation administered by the hearing officer.

136 C. The Board of Education may provide for final decisions to be made by a hearing officer. The
 137 parents and the school division shall have the right to be represented by legal counsel or other
 138 representative before such hearing officer without being in violation of the provisions of § 54.1-3904.

139 D. Any party aggrieved by the findings and decision made pursuant to the procedures prescribed
 140 pursuant to subsections B and C may, within 180 days of such findings and decision, bring a civil
 141 action in the circuit court for the jurisdiction in which the school division is located. In any such action,
 142 the court shall receive the records of the administrative proceedings, shall hear additional evidence at the
 143 request of a party, and basing its decision on the preponderance of the evidence, shall grant such relief
 144 as the court determines appropriate.

145 D1. In any action brought pursuant to subsection D, the court, in its discretion, may award
 146 reasonable attorney fees as part of the costs (i) to a prevailing party who is the parent of a child with a
 147 disability; (ii) to a prevailing party who is the Board of Education or a local school division against the
 148 attorney of a parent who files a complaint or a subsequent cause of action that is frivolous,
 149 unreasonable, or without foundation, or against the attorney of a parent who continued to litigate after
 150 the litigation clearly became frivolous, unreasonable, or without foundation; or (iii) to a prevailing party
 151 who is the Board of Education or a local school division against the attorney of a parent, or against the
 152 parent, if the parent's complaint or subsequent cause of action was presented for any improper purpose,
 153 such as to harass, to cause unnecessary delay, or to needlessly increase the cause of litigation.

154 Attorney fees may not be awarded relating to any meeting of the Individualized Education Plan (IEP)
 155 Team unless such meeting is convened as a result of an administrative proceeding or judicial action, or,
 156 at the discretion of the State, for a mediation described in subsection B.

157 E. Whenever the Board of Education, in its discretion, determines that a school division fails to
 158 establish and maintain programs of free and appropriate public education ~~which that~~ comply with
 159 regulations established by the Board, the Board may withhold all special education moneys from the
 160 school division and may use the payments ~~which that~~ would have been available to such school division
 161 to provide special education, directly or by contract, to eligible children with disabilities in such manner
 162 as the Board considers appropriate.

163 F. The Board of Education shall supervise educational programs for children with disabilities by
 164 other public agencies and shall ensure that the identification, evaluation, and placement of children with
 165 disabilities and youth in education programs by other public agencies, as appropriate, are consistent with
 166 the provisions of the Board of Education's special education regulations.

167 G. The Board of Education shall prescribe regulations to provide a range of assessment procedures
 168 for the evaluation of children with disabilities. These regulations shall include provision for parents to
 169 participate, if they so request, in the consideration of the assessment components to be used. However,
 170 such regulations shall not require any local school board to exceed the requirements of federal law or
 171 regulations for the identification and evaluation of children with disabilities.

172 **§ 22.1-217.01. Information on educational and other services for students identified as deaf or**
 173 **hard of hearing or visually impaired.**

174 The Department of Education shall annually prepare and distribute to local school boards packets of
 175 information describing the educational and other services available through the Virginia School for the
 176 Deaf and the Blind, the Virginia Department for the Deaf and Hard-of-Hearing, and the Virginia
 177 Department for the Blind and Vision Impaired to students who are identified as ~~hearing impaired deaf or~~
 178 ~~hard of hearing~~ or visually impaired. Local school boards shall annually post this information on the
 179 school division's website and inform the parents of those students who are identified as ~~hearing impaired~~
 180 ~~deaf or hard of hearing~~ or visually impaired of its availability. School boards shall ensure that packets
 181 of such information are available in an accessible format for review by parents who do not have Internet

182 access.

183 **§ 22.1-319. Definitions.**

184 As used in this chapter unless the context requires a different meaning:

185 "Board" means the Virginia Board of Education.

186 "Department" means the Department of Education.

187 "Person" means any individual, group of individuals, partnership, association, business trust,
188 corporation, or other business entity.

189 "School for students with disabilities" or "school" or "schools" means a privately owned and operated
190 preschool, school, or educational organization, no matter how titled, maintained or conducting classes for
191 the purpose of offering instruction, for a consideration, profit, or tuition, to persons determined to have
192 autism, deaf-blindness, a developmental delay, a *loss of hearing impairment* including deafness,
193 intellectual disability, multiple disabilities, an orthopedic impairment, other health impairment, an
194 emotional disturbance, a severe disability, a specific learning disability, a speech or language
195 impairment, a traumatic brain injury, or a visual impairment including blindness.

196 "Superintendent" means the Superintendent of Public Instruction.

197 Article 6.1.

198 Virginia Hearing ~~Impairment~~ Loss Identification and Monitoring System.

199 **§ 32.1-64.1. Virginia Hearing Loss Identification and Monitoring System.**

200 A. In order to identify hearing loss at the earliest possible age among newborns and to provide early
201 intervention for all infants so identified as having a *loss of hearing impairment*, the Commissioner shall
202 establish and maintain the Virginia Hearing ~~Impairment~~ Loss Identification and Monitoring System. This
203 system shall be for the purpose of identifying and monitoring infants with hearing ~~impairment~~ *loss* to
204 ensure that such infants receive appropriate early intervention through treatment, therapy, training, and
205 education.

206 B. The Virginia Hearing ~~Impairment~~ Loss Identification and Monitoring System shall be initiated in
207 all hospitals with neonatal intensive care services, in all hospitals in the Commonwealth having newborn
208 nurseries, and in other birthing places or centers in the Commonwealth.

209 C. In all hospitals with neonatal intensive care services, the chief medical officer of such hospitals or
210 his designee shall identify infants at risk of hearing ~~impairment~~ *loss* using criteria established by the
211 Board. Beginning on July 1, 1999, all infants shall be given a hearing screening test, regardless of
212 whether or not the infant is at risk of hearing ~~impairment~~ *loss*, by the chief medical officer or his
213 designee using methodology approved by the Board. The test shall take place before the infant is
214 discharged from the hospital to the care of the parent or guardian, or as the Board may by regulation
215 provide.

216 In all other hospitals and other birthing places or centers, the chief medical officer or his designee or
217 the attending practitioner shall identify infants at risk of hearing ~~impairment~~ *loss* using criteria
218 established by the Board.

219 D. Beginning on July 1, 2000, the Board shall provide by regulation for the giving of hearing
220 screening tests for all infants born in all hospitals. The Board's regulations shall establish when the
221 testing shall be offered and performed and procedures for reporting.

222 An infant whose hearing screening indicates the need for a diagnostic audiological examination shall
223 be offered such examination at a center approved by the Board of Health. As a condition of such
224 approval, such centers shall maintain suitable audiological support and medical and educational referral
225 practices.

226 E. The Commissioner shall appoint an advisory committee to assist in the design, implementation,
227 and revision of this identification and monitoring system. The advisory committee shall meet at least
228 four times per year. A chairman shall be elected annually by the advisory committee. The Department of
229 Health shall provide support services to the advisory committee. The advisory committee shall consist of
230 representatives from relevant groups including, but not limited to, the health insurance industry;
231 physicians, including at least one pediatrician or family practitioner, one otolaryngologist, and one
232 neonatologist; nurses representing newborn nurseries; audiologists; hearing aid dealers and fitters;
233 teachers of the deaf and ~~hard-of-hearing~~ *hard of hearing*; parents of children who are deaf or
234 ~~hard-of-hearing~~ *hard of hearing*; adults who are deaf or ~~hard-of-hearing~~ *hard of hearing*; hospital
235 administrators; and personnel of appropriate state agencies, including the Department of Medical
236 Assistance Services, the Department of Education, and the Department for the Deaf and
237 Hard-of-Hearing. The Department of Education, the Department for the Deaf and Hard-of-Hearing, and
238 the Department of Behavioral Health and Developmental Services shall cooperate with the
239 Commissioner and the Board in implementing this system.

240 F. With the assistance of the advisory committee, the Board shall promulgate such rules and
241 regulations as may be necessary to implement this identification and monitoring system. These rules and
242 regulations shall include criteria, including current screening methodology, for the identification of
243 infants (i) with hearing ~~impairment~~ *loss* and (ii) at risk of hearing ~~impairment~~ *loss* and shall include the

244 scope of the information to be reported, reporting forms, screening protocols, appropriate mechanisms
 245 for follow-up, relationships between the identification and monitoring system and other state agency
 246 programs or activities, and mechanisms for review and evaluation of the activities of the system. The
 247 identification and monitoring system shall collect the name, address, sex, race, and any other information
 248 determined to be pertinent by the Board, for infants who are screened pursuant to this section.

249 G. In addition, the Board's regulations shall provide that any person making a determination that an
 250 infant (i) is at risk for hearing ~~impairment~~ *loss*, (ii) has failed to pass a hearing screening, or (iii) was
 251 not successfully tested shall notify the parent or guardian of the infant, the infant's primary care
 252 practitioner, and the Commissioner. The Board may provide guidelines for the notification process.

253 H. No testing required to be performed or offered by this section shall be performed if the parents of
 254 the infant object to the test based on their bona fide religious convictions.

255 **§ 32.1-64.2. Confidentiality of records; publication; Commissioner required to contact parents,**
 256 **physicians, and relevant local early intervention program.**

257 The Commissioner and all other persons to whom data is submitted pursuant to § 32.1-64.1 shall
 258 keep such information confidential. No publication of research or statistical data shall be made that
 259 identifies any infant with hearing ~~impairment~~ *loss* or risk of hearing ~~impairment~~ *loss*. The Commissioner
 260 shall contact the parents of children identified with hearing ~~impairment~~ *loss* or at risk of hearing
 261 ~~impairment~~ *loss*, their physicians, and the relevant local early intervention program to provide them with
 262 information about available public and private health care and educational resources, including any
 263 hearing ~~impairment~~ *loss* clinics.

264 The Commissioner may authorize linkages between secure electronic data systems maintained by the
 265 Department of Health containing newborn hearing screening records and the Virginia Immunization
 266 Information System (VIIS) operated pursuant to § 32.1-46.01. The Commissioner may authorize health
 267 care providers authorized to view VIIS to view newborn hearing screening records of individuals to
 268 whom the providers are providing health care services. The records may be made available until the
 269 child reaches seven years of age, after which the records shall not be made available through a linkage
 270 to VIIS. Such linkages shall be subject to all applicable state and federal privacy laws and regulations.

271 **§ 36-99.5. Smoke alarms for persons who are deaf or hard of hearing.**

272 Smoke alarms for persons who are deaf or hearing ~~impaired~~ *hard of hearing* shall be installed only
 273 in conformance with the provisions of the current Building Code and maintained in accordance with the
 274 Statewide Fire Prevention Code (§ 27-94 et seq.) and subdivision C 6 of § 36-105, Part III of the
 275 Building Code. Such alarms shall be provided by the landlord or proprietor, upon request by a tenant of
 276 a rental unit or a person living with such tenant who is deaf or hearing ~~impaired~~ *hard of hearing* as
 277 referenced by the Virginia Fair Housing Law (§ 36-96.1 et seq.), or upon request by an occupant of any
 278 of the following occupancies, regardless of when constructed:

279 1. All dormitory buildings arranged for the shelter and sleeping accommodations of more than 20
 280 individuals;

281 2. All boarding and lodging houses arranged for shelter and sleeping accommodations of more than
 282 five individuals; or

283 3. All residential rental dwelling units.

284 A tenant shall be responsible for the maintenance and operation of the smoke alarm in the tenant's
 285 unit in accordance with § 55-225.4 or 55-248.16, as applicable.

286 A hotel or motel shall have available no fewer than one such smoke alarm for each 70 units or
 287 portion thereof, except that this requirement shall not apply to any hotel or motel with fewer than 35
 288 units. The proprietor of the hotel or motel shall post in a conspicuous place at the registration desk or
 289 counter a permanent sign stating the availability of smoke alarms for persons who are deaf or hearing
 290 ~~impaired~~ *hard of hearing*. Visual alarms shall be provided for all meeting rooms for which an advance
 291 request has been made.

292 The proprietor or landlord may require a refundable deposit for a smoke alarm, not to exceed the
 293 original cost or replacement cost, whichever is greater, of such smoke alarm. Rental fees shall not be
 294 increased as compensation for this requirement.

295 A landlord of a rental unit shall provide a reasonable accommodation to a person who is deaf or
 296 hearing ~~impaired~~ *hard of hearing* who requests installation of a smoke alarm that is appropriate for
 297 persons who are deaf or hearing ~~impaired~~ *hard of hearing* if such accommodation is appropriate in
 298 accordance with the Virginia Fair Housing Law (§ 36-96.1 et seq.).

299 **§ 46.2-342. What license to contain; organ donor information; Uniform Donor Document.**

300 A. Every license issued under this chapter shall bear:

301 1. For licenses issued or renewed on or after July 1, 2003, a license number which shall be assigned
 302 by the Department to the licensee and shall not be the same as the licensee's social security number;

303 2. A photograph of the licensee;

304 3. The licensee's full name, year, month, and date of birth;

- 305 4. The licensee's address, subject to the provisions of subsection B;
306 5. A brief description of the licensee for the purpose of identification;
307 6. A space for the signature of the licensee; and
308 7. Any other information deemed necessary by the Commissioner for the administration of this title.

309 No abbreviated names or nicknames shall be shown on any license.

310 B. At the option of the licensee, the address shown on the license may be either the post office box,
311 business, or residence address of the licensee, provided such address is located in Virginia. However,
312 regardless of which address is shown on the license, the licensee shall supply the Department with his
313 residence address, which shall be an address in Virginia. This residence address shall be maintained in
314 the Department's records. Whenever the licensee's address shown either on his license or in the
315 Department's records changes, he shall notify the Department of such change as required by § 46.2-324.

316 C. The Department may contract with the United States Postal Service or an authorized agent to use
317 the National Change of Address System for the purpose of obtaining current address information for a
318 person whose name appears in customer records maintained by the Department. If the Department
319 receives information from the National Change of Address System indicating that a person whose name
320 appears in a Department record has submitted a permanent change of address to the Postal Service, the
321 Department may then update its records with the mailing address obtained from the National Change of
322 Address System.

323 D. The license shall be made of a material and in a form to be determined by the Commissioner.

324 E. Licenses issued to persons less than 21 years old shall be immediately and readily distinguishable
325 from those issued to persons 21 years old or older. Distinguishing characteristics shall include unique
326 design elements of the document and descriptors within the photograph area to identify persons who are
327 at least 15 years old but less than 21 years old. These descriptors shall include the month, day, and year
328 when the person will become 21 years old.

329 F. The Department shall establish a method by which an applicant for a driver's license or an
330 identification card may indicate his consent to make an anatomical gift for transplantation, therapy,
331 research, and education pursuant to § 32.1-291.5, and shall cooperate with the Virginia Transplant
332 Council to ensure that such method is designed to encourage organ, tissue, and eye donation with a
333 minimum of effort on the part of the donor and the Department.

334 G. If an applicant indicates his consent to be a donor pursuant to subsection F, the Department may
335 make a notation of this designation on his license or card and shall make a notation of this designation
336 in his driver record. The notation shall remain on the individual's license or card until he revokes his
337 consent to make an anatomical gift by requesting removal of the notation from his license or card or
338 otherwise in accordance with § 32.1-291.6. Inclusion of a notation indicating consent to making an organ
339 donation on an applicant's license or card pursuant to this subsection shall be sufficient legal authority
340 for removal, following death, of the subject's organs or tissues without additional authority from the
341 donor or his family or estate, in accordance with the provisions of § 32.1-291.8.

342 H. A minor may make a donor designation pursuant to subsection F without the consent of a parent
343 or legal guardian as authorized by the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.).

344 I. The Department shall provide a method by which an applicant conducting a Department of Motor
345 Vehicles transaction using electronic means may make a voluntary contribution to the Virginia Donor
346 Registry and Public Awareness Fund (Fund) established pursuant to § 32.1-297.1. The Department shall
347 inform the applicant of the existence of the Fund and also that contributing to the Fund is voluntary.

348 J. The Department shall collect all moneys contributed pursuant to subsection I and transmit the
349 moneys on a regular basis to the Virginia Transplant Council, which shall credit the contributions to the
350 Fund.

351 K. When requested by the applicant, and upon presentation of a signed statement by a licensed
352 physician confirming the applicant's condition, the Department shall indicate on the applicant's driver's
353 license that the applicant (i) is an insulin-dependent diabetic, (ii) is *deaf or hard of hearing* or speech
354 impaired, or (iii) has an intellectual disability, as defined in § 37.2-100, or autism spectrum disorder, as
355 defined in § 38.2-3418.17.

356 L. In the absence of gross negligence or willful misconduct, the Department and its employees shall
357 be immune from any civil or criminal liability in connection with the making of or failure to make a
358 notation of donor designation on any license or card or in any person's driver record.

359 M. The Department shall, in coordination with the Virginia Transplant Council, prepare an organ
360 donor information brochure describing the organ donor program and providing instructions for
361 completion of the uniform donor document information describing the bone marrow donation program
362 and instructions for registration in the National Bone Marrow Registry. The Department shall include a
363 copy of such brochure with every driver's license renewal notice or application mailed to licensed
364 drivers in Virginia.

365 § 51.5-44. Rights of persons with disabilities in public places and places of public
366 accommodation.

367 A. A person with a disability has the same rights as other persons to the full and free use of the
368 streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places. For
369 purposes of this section, a "person with a disability" means a person whose disability is unrelated to his
370 ability to utilize and benefit from a place of public accommodation or public service.

371 B. A person with a disability is entitled to full and equal accommodations, advantages, facilities, and
372 privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, streetcars,
373 subways, boats or any other public conveyances or modes of transportation, restaurants, hotels, lodging
374 places, places of public accommodation, amusement or resort, public entities including schools, and
375 other places to which the general public is invited subject only to the conditions and limitations
376 established by law and applicable alike to all persons.

377 C. Each town, city, or county, individually or through transportation district commissions, shall
378 ensure that persons with disabilities have access to the public transportation within its jurisdiction by
379 either (i) use of the same transportation facilities or carriers available to the general public, (ii) provision
380 of paratransit or special transportation services for persons with disabilities, or (iii) both. All persons
381 with disabilities in the jurisdiction's service area who, by reason of their disabilities, are unable to use
382 the service for the general public shall be eligible to use such paratransit or special transportation
383 service. No fee that exceeds the fee charged to the general public shall be charged a person with a
384 disability for the use of the same transportation facilities or carriers available to the general public.
385 Paratransit or special transportation service for persons with disabilities may charge fees to such persons
386 comparable to the fees charged to the general public for similar service in the jurisdiction service area,
387 taking into account especially the type, length, and time of trip. Any variance between special service
388 and regular service fares shall be justifiable in terms of actual differences between the two kinds of
389 service provided.

390 D. Nothing in this title shall be construed to require retrofitting of any public transit equipment or to
391 require the retrofitting, renovation, or alteration of buildings or places to a degree more stringent than
392 that required by the applicable building code in effect at the time the building permit for such building
393 or place is issued.

394 E. Every totally or partially blind person shall have the right to be accompanied by a dog in harness
395 trained as a guide dog, every ~~deaf or hearing-impaired~~ person *who is deaf or hard of hearing* shall have
396 the right to be accompanied by a dog trained as a hearing dog on a blaze orange leash, and every
397 mobility-impaired or otherwise disabled person shall have the right to be accompanied by a dog, trained
398 as a service dog, in a harness, backpack, or vest identifying the dog as a trained service dog, in any of
399 the places listed in subsection B without being required to pay an extra charge for the dog, provided
400 that he shall be liable for any damage done to the premises or facilities by such dog. The provisions of
401 this section shall apply to persons accompanied by a dog that is in training, at least six months of age,
402 and is (i) in harness, provided such person is an experienced trainer of guide dogs or is conducting
403 continuing training of a guide dog; (ii) on a blaze orange leash, provided such person is an experienced
404 trainer of hearing dogs or is conducting continuing training of a hearing dog; (iii) in a harness,
405 backpack, or vest identifying the dog as a trained service dog, provided such person is an experienced
406 trainer of service dogs or is conducting continuing training of a service dog; (iv) wearing a jacket
407 identifying the recognized guide, hearing, or service dog organization, provided such person is an
408 experienced trainer of the organization identified on the jacket; or (v) the person is part of a three-unit
409 service dog team and is conducting continuing training of a service dog.

410 **§ 51.5-45. Right of persons with disabilities to housing accommodations.**

411 A. All persons with disabilities unrelated to their ability to acquire, rent, or maintain property shall
412 be entitled to full and equal opportunity to acquire, as other members of the general public, any housing
413 accommodations offered for sale, rent, lease, or compensation, subject to the conditions and limitations
414 established by law and applying alike to all persons. "Housing accommodations" for the purpose of this
415 section means any real property, or portion thereof, which is used or occupied or is intended, arranged,
416 or designed to be used or occupied, as the home, residence, or sleeping place of one or more human
417 beings, but does not include any single family residence the occupant or owner of which rents, leases, or
418 furnishes for compensation not more than one room therein.

419 B. Every visually impaired person who has a guide dog, every ~~hearing-impaired~~ person *who is deaf*
420 *or hard of hearing and* has a hearing dog, and every mobility-impaired or otherwise disabled person
421 with a service dog shall be entitled to full and equal access with such dog to all housing
422 accommodations provided for in this section. He shall not be required to pay extra compensation for
423 such dog but shall be liable for any damage done to the premises by such dog.

424 C. Nothing in this section shall require any person offering for sale, renting, leasing, or providing for
425 compensation real property to modify that real property or provide a higher degree of care for a person
426 with a disability than for a person who is not disabled, except as provided in § 36-99.5, nor shall
427 anything in this section require any person who is selling, renting, leasing, or providing for

428 compensation real property to sell, rent, lease, or provide such property to any person who would
429 constitute a direct threat to the property or safety of others.

430 **§ 54.1-2600. Definitions.**

431 As used in this chapter, unless the context requires a different meaning:

432 "Audiologist" means any person who engages in the practice of audiology.

433 "Board" means the Board of Audiology and Speech-Language Pathology.

434 "Practice of audiology" means the practice of conducting measurement, testing and evaluation
435 relating to hearing and vestibular systems, including audiologic and electrophysiological measures, and
436 conducting programs of identification, hearing conservation, habilitation, and rehabilitation for the
437 purpose of identifying disorders of the hearing and vestibular systems and modifying communicative
438 disorders related to hearing loss, including but not limited to vestibular evaluation, limited cerumen
439 management, electrophysiological audiometry and cochlear implants. Any person offering services to the
440 public under any descriptive name or title which would indicate that audiology services are being
441 offered shall be deemed to be practicing audiology.

442 "Practice of speech-language pathology" means the practice of facilitating development and
443 maintenance of human communication through programs of screening, identifying, assessing and
444 interpreting, diagnosing, habilitating and rehabilitating speech-language disorders, including but not
445 limited to:

446 1. Providing alternative communication systems and instruction and training in the use thereof;

447 2. Providing aural habilitation, rehabilitation and counseling services to ~~hearing-impaired~~ individuals
448 *who are deaf or hard of hearing* and their families;

449 3. Enhancing speech-language proficiency and communication effectiveness; and

450 4. Providing audiologic screening.

451 Any person offering services to the public under any descriptive name or title which would indicate
452 that professional speech-language pathology services are being offered shall be deemed to be practicing
453 speech-language pathology.

454 "Speech-language disorders" means disorders in fluency, speech articulation, voice, receptive and
455 expressive language (syntax, morphology, semantics, pragmatics), swallowing disorders, and cognitive
456 communication functioning.

457 "Speech-language pathologist" means any person who engages in the practice of speech-language
458 pathology.