

LD3246244

HOUSE BILL NO. 1601

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on February 4, 1995)

(Patron Prior to Substitute—Delegate Giesen)

A BILL to amend and reenact § 7.1-31.1 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 5 of Title 2.1 a section numbered 2.1-51.6:4, relating to commercial use of the seals of the Commonwealth.

Be it enacted by the General Assembly of Virginia:

1. That § 7.1-31.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 5 of Title 2.1 a section numbered 2.1-51.6:4 as follows:

§ 2.1-51.6:4. Commercial use of seals of the Commonwealth.

A. The Governor may authorize the use of the seals of the Commonwealth for commercial purposes upon a finding that such use promotes an appropriate image of the Commonwealth, its heritage and its history, and that such use is carried out in accordance with the laws of the Commonwealth. In considering whether the use of the seals in association with a product promotes an appropriate image of the Commonwealth, preference shall be given to products which (i) preserve traditional methods of production, including handcrafting techniques, (ii) enhance public appreciation of the Commonwealth's aesthetic values, and (iii) incorporate workmanship and materials of the highest quality. A prospective licensee shall be deemed qualified to protect and promote the image of the Commonwealth if it holds licenses to produce products associated with museums and sites of major historical importance in the Commonwealth, including but not limited to homes of Presidents of the United States and restored historical areas.

B. The Secretary of the Commonwealth and the Director of the Division of Purchases and Supply shall assist the Governor in determining the appropriateness of (i) any contract entered into for the commercial use of the seals of the Commonwealth, (ii) the product intended to be sold, (iii) any marketing activities undertaken to promote the sale of the product, and (iv) the pricing structure, including royalties to be paid to the Commonwealth for such use and sale. Any such royalties paid to the Commonwealth shall be deposited in the general fund.

§ 7.1-31.1. Seals deemed property of Commonwealth; unauthorized use.

The seals of the Commonwealth shall be deemed the property of the Commonwealth; and no persons shall exhibit, display, or in any manner utilize the seals or any facsimile or representation of the seals of the Commonwealth for nongovernmental purposes unless such use is specifically authorized by law.

~~Any~~ Except as provided in § 2.1-51.6:4, any person violating the provisions of this section shall be punished by a fine of not more than \$100, or by imprisonment for not more than thirty days or both.