

LD6842368

HOUSE BILL NO. 1771

Offered January 18, 1995

A BILL to amend and reenact §§ 3.1-1053, 4.1-100, 4.1-103, 4.1-204, 4.1-335, 9-169, 23-7.1:01, 33.1-252, and 52-8 of the Code of Virginia and to repeal § 4.1-105 of the Code of Virginia, relating to enforcement of alcoholic beverage control laws.

Patrons—Robinson, Cranwell and Moss

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1-1053, 4.1-100, 4.1-103, 4.1-204, 4.1-335, 9-169, 23-7.1:01, 33.1-252, and 52-8 of the Code of Virginia are amended and reenacted as follows:

§ 3.1-1053. Enforcement of this chapter.

The Department may request the assistance of the Department of Alcoholic Beverage Control in enforcing the provisions of this chapter. The Department of Alcoholic Beverage Control and other state and local law-enforcement agencies shall assist the Department as requested. Nothing in this chapter shall be construed to prevent the Department of Alcoholic Beverage Control from enforcing the provisions of Title 4.1. In order to carry out the purposes of this chapter, employees of the Department of Alcoholic Beverage Control and the Department of Agriculture and Consumer Services, upon presenting appropriate credentials to the permittee, its agents or the employee in charge, are authorized, with the consent of the permittee, its agent or the employee in charge, or with an appropriate warrant issued by a judicial officer authorized to issue a search warrant:

1. To enter without delay and at any reasonable time, the premises of any industrial ethanol manufacturing plant;

2. To examine the books and records of the permittee to determine that the laws relating to alcohol and ardent spirits are being observed; and

3. To take from the products found on the premises such samples as may be required for the purposes of chemical analysis.

§ 4.1-100. Definitions.

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

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which they are set forth in this definition.

"Barrel" means any container or vessel having a capacity of more than forty-three ounces.

"Bed and breakfast establishment" means any establishment (i) having no more than fifteen bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided.

"Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more of alcohol by volume.

"Board" means the Virginia Alcoholic Beverage Control Board.

"Bottle" means any vessel intended to contain liquids and having a capacity of not more than forty-three ounces.

"Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment so operated. A corporation or association shall not lose its status as a club because of the conduct of bingo games or raffles conducted pursuant to Article 1.1 (§ 18.2-340.1 et seq.) of Chapter 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are served or consumed in the room where such bingo games or raffles are

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60 being conducted while such games or raffles are being conducted and that no alcoholic beverages are  
61 made available upon the premises to any person who is neither a member nor a bona fide guest of a  
62 member.

63 Any such corporation or association which has been declared exempt from federal and state income  
64 taxes as one which is not organized and operated for pecuniary gain or profit shall be deemed a  
65 nonprofit corporation or association.

66 "Container" means any barrel, bottle, carton, keg, vessel or other receptacle used for holding  
67 alcoholic beverages.

68 "Convenience grocery store" means an establishment which (i) has an enclosed room in a permanent  
69 structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items  
70 intended for human consumption consisting of a variety of such items of the types normally sold in  
71 grocery stores.

72 "Designated area" means a room or area approved by the Board for on-premises licensees.

73 "Dining area" means a public room or area in which meals are regularly served.

74 "Establishment" means any place where alcoholic beverages of one or more varieties are lawfully  
75 manufactured, sold, or used.

76 "Farm winery" means an establishment located on a farm in the Commonwealth with a producing  
77 vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the  
78 premises where the owner or lessee manufactures wine that contains not more than fourteen percent  
79 alcohol by volume. As used in this definition, the terms "owner" and "lessee" shall include a cooperative  
80 formed by an association of individuals for the purpose of manufacturing wine. In the event such  
81 cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the  
82 land owned or leased by the individual members of the cooperative as long as such land is located in  
83 the Commonwealth.

84 "Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty  
85 items relating to history, original and handmade arts and products, collectibles, crafts, and floral  
86 arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure  
87 where stock is displayed and offered for sale and which has facilities to properly secure any stock of  
88 wine or beer. Such shop may be located (i) on the premises or grounds of a government registered  
89 national, state or local historic building or site or (ii) within the premises of a museum. The Board shall  
90 consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be  
91 considered a gift shop.

92 "Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage  
93 facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and  
94 beers of various types and sizes and related products such as cheeses and gourmet foods are habitually  
95 furnished to persons.

96 "Government store" means a store established by the Board for the sale of alcoholic beverages.

97 "Hotel" means any duly licensed establishment, provided with special space and accommodation,  
98 where, in consideration of payment, food and lodging are habitually furnished to persons, and which has  
99 four or more bedrooms. It shall also mean the person who operates such hotel.

100 "Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order  
101 pursuant to this title.

102 "Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to  
103 observably affect his manner, disposition, speech, muscular movement, general appearance or behavior.

104 "Licensee" means any person to whom a license has been granted by the Board.

105 "Licensed" means the holding of a valid license issued by the Board.

106 "Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona  
107 fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments  
108 specializing in full course meals with a single substantial entree.

109 "Member of a club" means a person who maintains his membership in the club by the payment of  
110 monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof. It shall  
111 also mean a lifetime member whose financial contribution is not less than ten times the annual dues of  
112 resident members of the club, the full amount of such contribution being paid in advance in a lump  
113 sum.

114 "Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of  
115 spirits.

116 "Place or premises" means the real estate, together with any buildings or other improvements thereon,  
117 designated in the application for a license as the place at which the manufacture, bottling, distribution,  
118 use or sale of alcoholic beverages shall be performed, except that portion of any such building or other  
119 improvement actually and exclusively used as a private residence.

120 "Public place" means any place, building, or conveyance to which the public has, or is permitted to  
121 have, access, including restaurants, soda fountains, hotel dining areas, lobbies, and corridors of hotels,

122 and any highway, street, lane, park, or place of public resort or amusement.

123 The term shall not include (i) hotel or restaurant dining areas or ballrooms while in use for private  
124 meetings or private parties limited in attendance to members and guests of a particular group,  
125 association or organization; (ii) restaurants licensed by the Board in office buildings or industrial or  
126 similar facilities while such restaurant is closed to the public and in use for private meetings or parties  
127 limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such  
128 building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in  
129 use for private meetings or parties limited in attendance to employees and nonpaying guests of the  
130 owner or a lessee of all or part of such building or facility; or (iv) private recreational or chartered boats  
131 which are not licensed by the Board and on which alcoholic beverages are not sold.

132 "Residence" means any building or part of a building or structure where a person resides, but does  
133 not include any part of a building which is not actually and exclusively used as a private residence, nor  
134 any part of a hotel or club other than a private guest room thereof.

135 "Resort complex" means a facility with a hotel owning year-round sports and recreational facilities  
136 located contiguously on the same property. The hotel must have a minimum of 250 private guest rooms  
137 contained on not less than 100 acres. The Board may consider the purpose, characteristics, and operation  
138 of the applicant establishment in determining whether it shall be considered as a resort complex. All  
139 other pertinent qualifications established by the Board for a hotel operation shall be observed by such  
140 licensee.

141 "Restaurant" means, for a beer, or wine and beer license, any establishment provided with special  
142 space and accommodation, where, in consideration of payment, meals or other foods prepared on the  
143 premises are regularly sold.

144 "Restaurant" means, for a mixed beverage license, an established place of business (i) where meals  
145 with substantial entrees are regularly sold and (ii) which has adequate facilities and sufficient employees  
146 for cooking, preparing, and serving such meals for consumption at tables in dining areas on the  
147 premises, and includes establishments specializing in full course meals with a single substantial entree.

148 "Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale;  
149 peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic  
150 beverages.

151 ~~"Special agent" means an employee of the Department of Alcoholic Beverage Control whom the~~  
152 ~~Board has designated as a law-enforcement officer pursuant to § 4.1-105.~~

153 "Special event" means an event sponsored by a duly organized nonprofit corporation or association  
154 and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

155 "Spirits" means any beverage which contains alcohol obtained by distillation mixed with drinkable  
156 water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and  
157 gin, or any one or more of the last four named ingredients; but shall not include any such liquors  
158 completely denatured in accordance with formulas approved by the United States government.

159 "Wine" means any alcoholic beverage obtained by the fermentation of the natural sugar content of  
160 fruits or other agricultural products containing (i) sugar, including honey and milk, either with or  
161 without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product  
162 of distillation. The term includes any wine to which wine spirits have been added, as provided in the  
163 Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an  
164 alcohol content of twenty-one percent by volume.

165 "Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and  
166 not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of  
167 wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain  
168 water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar  
169 products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice  
170 beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

171 "With or without meals" means the selling and serving of alcoholic beverages by retail licensees for  
172 on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio  
173 required by § 4.1-210, or the monthly food sale requirement established by Board regulation, is met by  
174 such retail licensee.

175 § 4.1-103. General powers of Board.

176 The Board shall have the power to:

177 1. Buy, import and sell alcoholic beverages other than beer and wine not produced by farm wineries,  
178 the procurement of which is exempt from Chapter 7 (§ 11-35 et seq.) of Title 11, and to have alcoholic  
179 beverages other than beer and wine not produced by farm wineries in its possession for sale;

180 2. Control the possession, sale, transportation and delivery of alcoholic beverages;

181 3. Determine, subject to § 4.1-121, the localities within which government stores shall be established  
182 or operated and the location of such stores;

183 4. Maintain warehouses for alcoholic beverages and control the storage and delivery of alcoholic  
184 beverages to and from such warehouses;

185 5. Lease, occupy and improve any land or building required for the purposes of this title;

186 6. Purchase or otherwise acquire title to any land or building required for the purposes of this title  
187 and sell and convey the same by proper deed, with the consent of the Governor;

188 7. Purchase, lease or acquire the use of, by any manner, any plant or equipment which may be  
189 considered necessary or useful in carrying into effect the purposes of this title, including rectifying,  
190 blending and processing plants. The Board may purchase, build, lease, and operate distilleries and  
191 manufacture alcoholic beverages;

192 8. Determine the nature, form and capacity of all containers used for holding alcoholic beverages to  
193 be kept or sold under this title, and prescribe the form and content of all labels and seals to be placed  
194 thereon;

195 9. Appoint every agent and employee required for its operations; require any or all of them to give  
196 bonds payable to the Commonwealth in such penalty as shall be fixed by the Board; and engage the  
197 services of experts and professionals;

198 10. Hold and conduct hearings; issue subpoenas requiring the attendance of witnesses and the  
199 production of records, memoranda, papers and other documents before the Board or any agent of the  
200 Board; and administer oaths and take testimony thereunder. The Board may authorize any Board  
201 member or agent of the Board to hold and conduct hearings, issue subpoenas, administer oaths and take  
202 testimony thereunder, and make summary decisions, subject to final decision by the Board, on  
203 application of any party aggrieved;

204 11. Make a reasonable charge for preparing and furnishing statistical information and compilations to  
205 persons other than (i) officials, including court and police officials, of the Commonwealth and of its  
206 subdivisions if the information requested is for official use and (ii) persons who have a personal or legal  
207 interest in obtaining the information requested if such information is not to be used for commercial or  
208 trade purposes;

209 12. Promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) and  
210 § 4.1-111 of this chapter;

211 13. Grant, suspend, and revoke licenses for the manufacture, bottling, distribution, importation, and  
212 sale of alcoholic beverages;

213 14. Assess and collect civil penalties and civil charges for violations of this title and Board  
214 regulations;

215 15. Maintain actions to enjoin common nuisances as defined in § 4.1-317;

216 16. Establish minimum food sale requirements for all retail licensees; ~~and~~

217 17. *Direct the Department of State Police to conduct all necessary investigations to enforce the*  
218 *provisions of this title and Board regulations; and*

219 18. Do all acts necessary or advisable to carry out the purposes of this title.

220 § 4.1-204. Records of licensees; inspection of records and places of business.

221 A. Manufacturers, bottlers or wholesalers. Every licensed manufacturer, bottler or wholesaler shall  
222 keep complete, accurate and separate records in accordance with Board regulations of all alcoholic  
223 beverages purchased, manufactured, bottled, sold or shipped by him, and the applicable tax required by  
224 § 4.1-234 or § 4.1-236, if any.

225 B. Retailers. Every retail licensee shall keep complete, accurate and separate records, in accordance  
226 with Board regulations, of all purchases of alcoholic beverages, the prices charged such licensee  
227 therefor, and the names and addresses of the persons from whom purchased. Every retail licensee shall  
228 also preserve all invoices showing his purchases for a period as specified by Board regulations. He shall  
229 also keep an accurate account of daily sales, showing quantities of alcoholic beverages sold and the total  
230 price charged by him therefor. Such account need not give the names or addresses of the purchasers  
231 thereof, except as may be required by Board regulation for the sale of alcoholic beverages in kegs. In  
232 the case of persons holding retail licenses which require sales of food to determine their qualifications  
233 for such licenses, the records shall also include purchases and sales of food and nonalcoholic beverages.

234 C. Common carriers. Common carriers of passengers by train, boat, or airplane shall keep records of  
235 purchases and sales of alcoholic beverages and food as required by Board regulation.

236 D. Inspection. The Board and its special agents *Department of State Police* shall be allowed free  
237 access during reasonable hours to every place in the Commonwealth where alcoholic beverages are  
238 manufactured, bottled, stored, offered for sale or sold, for the purpose of examining and inspecting such  
239 place and all records, invoices and accounts therein.

240 § 4.1-335. Enjoining nuisances.

241 A. In addition to the penalties imposed by § 4.1-317, the Board, its special agents, the attorney for  
242 the Commonwealth, or any citizen of the county, city, or town where a common nuisance as defined in  
243 § 4.1-317 exists may maintain a suit in equity in the name of the Commonwealth to enjoin the common  
244 nuisance.

245 B. The courts of equity shall have jurisdiction, and in every case where the bill charges, on the  
 246 knowledge or belief of the complainant, and is sworn to by two reputable citizens, that alcoholic  
 247 beverages are manufactured, stored, sold, dispensed, given away, or used in such house, building or  
 248 other place described in § 4.1-317 contrary to the laws of the Commonwealth, an injunction shall be  
 249 granted as soon as the bill is presented to the court. The injunction shall enjoin and restrain the owners,  
 250 tenants, their agents, employees, servants, and any person connected with such house, building or other  
 251 place, and all persons whomsoever from manufacturing, storing, selling, dispensing, giving away, or  
 252 using alcoholic beverages on such premises. The injunction shall also restrain all persons from removing  
 253 any alcoholic beverage then on such premises until the further order of the court. If the court is satisfied  
 254 that the material allegations of the bill are true, although the premises complained of may not then be  
 255 unlawfully used, it shall continue the injunction against such place for a period of time as the court  
 256 deems proper. The injunction may be dissolved if a proper case is shown for dissolution.

257 § 9-169. Definitions.

258 The following words, whenever used in this chapter, or in Chapter 23 (§ 19.2-387 et seq.) of Title  
 259 19.2, shall have the following meanings, unless the context otherwise requires:

260 1. "Administration of criminal justice" means performance of any activity directly involving the  
 261 detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication,  
 262 correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection,  
 263 storage, and dissemination of criminal history record information.

264 2. "Board" means the Criminal Justice Services Board.

265 3. "Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof  
 266 which as its principal function performs the administration of criminal justice and any other agency or  
 267 subunit thereof which performs criminal justice activities, but only to the extent that it does so and (ii)  
 268 for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency  
 269 which, within the context of its criminal justice activities employs officers appointed under § 15.1-144,  
 270 or special conservators of the peace or special policemen appointed under Chapter 2 (§ 19.2-12 et seq.)  
 271 of Title 19.2, provided that (a) such private corporation or agency requires its officers, special  
 272 conservators or special policemen to meet compulsory training standards established by the Criminal  
 273 Justice Services Board and submits reports of compliance with the training standards and (b) the private  
 274 corporation or agency complies with the provisions of Article 3 (§ 9-184 et seq.) of Chapter 27 of Title  
 275 9 but only to the extent that the private corporation or agency so designated as a "criminal justice  
 276 agency" performs criminal justice activities.

277 4. "Criminal history record information" means records and data collected by criminal justice  
 278 agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions,  
 279 indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall  
 280 not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title  
 281 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional  
 282 status information.

283 5. "Correctional status information" means records and data concerning each condition of a convicted  
 284 person's custodial status, including probation, confinement, work release, study release, escape, or  
 285 termination of custody through expiration of sentence, parole, pardon, or court decision.

286 6. "Criminal justice information system" means a system including the equipment, facilities,  
 287 procedures, agreements, and organizations thereof, for the collection, processing, preservation, or  
 288 dissemination of criminal history record information. The operations of the system may be performed  
 289 manually or by using electronic computers or other automated data processing equipment.

290 7. "Department" means the Department of Criminal Justice Services.

291 8. "Dissemination" means any transfer of information, whether orally, in writing, or by electronic  
 292 means. The term does not include access to the information by officers or employees of a criminal  
 293 justice agency maintaining the information who have both a need and right to know the information.

294 9. "Law-enforcement officer" means any full-time or part-time employee of a police department or  
 295 sheriff's office which is a part of or administered by the Commonwealth or any political subdivision  
 296 thereof, and who is responsible for the prevention and detection of crime and the enforcement of the  
 297 penal, traffic or highway laws of this Commonwealth, and shall include ~~any special agent of the~~  
 298 ~~Department of Alcoholic Beverage Control~~, any police agent appointed under the provisions of § 56-353,  
 299 any officer of the Virginia Marine Patrol, any game warden who is a full-time sworn member of the  
 300 enforcement division of the Department of Game and Inland Fisheries, any agent, investigator, or  
 301 inspector appointed under § 56-334 or any investigator who is a full-time sworn member of the security  
 302 division of the State Lottery Department. Part-time employees are compensated officers who are not  
 303 full-time employees as defined by the employing police department or sheriff's office. Full-time sworn  
 304 members of the enforcement division of the Department of Motor Vehicles meeting the Department of  
 305 Criminal Justice Services qualifications shall be deemed to be "law-enforcement officers" when fulfilling

306 their duties pursuant to § 46.2-217.

307 10. "Conviction data" means information in the custody of any criminal justice agency relating to a  
308 judgment of conviction, and the consequences arising therefrom, in any court.

309 § 23-7.1:01. Free tuition and required fees for children and spouses of certain law-enforcement  
310 officers, correctional and jail personnel, sheriffs, deputy sheriffs, members of the Virginia National  
311 Guard, firefighters, and members of rescue squads.

312 Any child between the ages of sixteen and twenty-five whose parent or any person whose spouse has  
313 been killed in the line of duty while employed or serving as a law-enforcement officer, a firefighter, a  
314 member of a rescue squad, a sworn law-enforcement officer, a ~~special agent of the Department of~~  
315 ~~Alcoholic Beverage Control~~, a state correctional, regional or local jail officer, a sheriff, a deputy sheriff,  
316 or a member of the Virginia National Guard while such member is serving in the Virginia National  
317 Guard or as a member of the United States Armed Forces, shall be entitled to free undergraduate tuition  
318 and required fees at any public institution of higher education in Virginia under the following  
319 conditions:

320 1. The chief administrative officer of the ~~Alcoholic Beverage Control Board~~, emergency medical  
321 services agency, law-enforcement agency, or other appropriate agency or the Superintendent of State  
322 Police certifies that the deceased parent or spouse was employed or serving as a law-enforcement officer  
323 or a firefighter or member of a rescue squad or in any other capacity as specified in this section and  
324 was killed in the line of duty while serving or living in the Commonwealth; and

325 2. The child or spouse shall have been offered admission to a public institution of higher education.  
326 Any child or spouse who believes he is eligible shall apply to the public institution of higher education  
327 to which he has been admitted. The institution shall determine the eligibility of the applicant for these  
328 benefits and shall also ascertain that the recipients are in attendance and are making satisfactory  
329 progress. The amounts payable for tuition and required fees for the applicants shall be waived by the  
330 institution accepting the students.

331 For the purposes of this section, user fees, such as room and board charges, shall not be included in  
332 this authorization to waive tuition and fees. However, all required fees, educational and auxiliary, shall  
333 be waived along with tuition.

334 § 33.1-252. Free use of toll bridges, etc., by certain state officers and employees; penalties.

335 A. Upon presentation of a toll pass issued pursuant to regulations promulgated by the Commonwealth  
336 Transportation Board, the following persons may use all toll bridges, toll ferries, toll tunnels, and toll  
337 roads in this Commonwealth without the payment of toll:

- 338 1. The Commonwealth Transportation Commissioner;
- 339 2. Members of the Commonwealth Transportation Board;
- 340 3. Employees of the Virginia Department of Transportation;
- 341 4. The Superintendent of the Department of State Police;
- 342 5. Officers and employees of the Department of State Police;
- 343 6. Members of the Alcoholic Beverage Control Board;
- 344 7. Employees of the regulatory and hearings divisions of the Department of Alcoholic Beverage  
345 Control and ~~special agents of the Department of Alcoholic Beverage Control~~;
- 346 8. The Commissioner of the Department of Motor Vehicles;
- 347 9. Employees of the Department of Motor Vehicles;
- 348 10. Employees of the enforcement division of the State Corporation Commission;
- 349 11. Local police officers;
- 350 12. Sheriffs and their deputies;
- 351 13. Persons operating fire-fighting equipment and ambulances owned by a political subdivision of the  
352 Commonwealth or a nonprofit association or corporation;
- 353 14. Operators of school buses being used to transport pupils to or from schools;
- 354 15. Operators of (i) commuter buses having a capacity of twenty or more passengers, including the  
355 driver, and used to regularly transport workers to and from their places of employment and (ii) public  
356 transit buses; and
- 357 16. Employees of the Department of Rail and Public Transportation.

358 A1. Vehicles transporting three or more persons, including the driver, may be permitted toll-free use  
359 of the Dulles Toll Road during rush hours by the Commonwealth Transportation Board.

360 B. Any tollgate keeper who shall refuse to permit the persons listed in subsection A of this section to  
361 pass through such tollgate or over such toll bridge or ferry, or toll road or toll tunnel upon presentation  
362 of such a toll pass, shall be guilty of a misdemeanor and punished by a fine of not more than fifty  
363 dollars, and not less than two dollars and fifty cents. Any person other than those listed in subsection A  
364 of this section who shall exhibit any such toll pass for the purpose of using any toll bridge, toll tunnel  
365 or ferry shall be guilty of a Class 1 misdemeanor and punished accordingly.

366 B1. Any vehicle operated by the holder of a valid driver's license issued by Virginia or any other  
367 state shall be allowed free use of all toll bridges, toll roads, and other toll facilities in Virginia if:

368 1. The vehicle is specially equipped to permit its operation by a handicapped person;  
369 2. The driver of the vehicle has been certified, either by a physician licensed by Virginia or any  
370 other state or by the Adjudication Office of the United States Veterans Administration, as being severely  
371 physically disabled and having permanent upper limb mobility or dexterity impairments which  
372 substantially impair his ability to deposit coins in toll baskets;  
373 3. The driver has applied for and received from the Department of Transportation a vehicle window  
374 sticker identifying him as eligible for such free passage; and  
375 4. Such identifying window sticker is properly displayed on the vehicle.  
376 A copy of this subsection shall be posted at all toll bridges, toll roads, and other toll facilities in  
377 Virginia. The Department of Transportation shall provide envelopes for payments of tolls by those  
378 persons exempted from tolls pursuant to this subsection and shall accept any payments made by such  
379 persons.  
380 C. Nothing contained in this section or in § 33.1-251 or § 33.1-285 shall operate to affect the  
381 provisions of § 22.1-187.  
382 D. Notwithstanding the provisions of subsections A and B of this section, only the following persons  
383 may use the Chesapeake Bay Bridge-Tunnel or facilities of the Richmond Metropolitan Authority  
384 without the payment of toll when necessary and incidental to the conduct of official business:  
385 1. The Commonwealth Transportation Commissioner;  
386 2. Members of the Commonwealth Transportation Board;  
387 3. Employees of the Department of Transportation;  
388 4. The Superintendent of the Department of State Police;  
389 5. Officers and employees of the Department of State Police;  
390 6. The Commissioner of the Department of Motor Vehicles;  
391 7. Employees of the Department of Motor Vehicles; and  
392 8. Sheriffs and deputy sheriffs.  
393 § 52-8. Powers and duties to enforce criminal laws and investigate aircraft accidents.  
394 The Superintendent of State Police, his several assistants and police officers appointed by him are  
395 vested with the powers of a sheriff for the purpose of enforcing all the criminal laws of ~~this~~ *the*  
396 Commonwealth and for investigating any (i) aircraft accident which occurs in the Commonwealth and  
397 (ii) violation of the Alcoholic Beverage Control Act (§ 4.1-100 et seq.) and Alcoholic Beverage Control  
398 Board regulations, in accordance with § 4.1-103, and it shall be the duty of the Superintendent, his  
399 several assistants and police officers appointed by him to use their best efforts to enforce the same.  
400 Nothing in this section shall be construed as relieving any sheriff or sergeant, commissioner of the  
401 revenue, police officer, or any other official now or hereafter invested with police powers and duties,  
402 state or local, from the duty of aiding and assisting in the enforcement of such laws within the scope of  
403 his authority and duty.  
404 **2. That § 4.1-105 of the Code of Virginia is repealed.**  
405 **3. That the provisions of this act shall not preclude special agents of the Alcoholic Beverage**  
406 **Control Board from completing any investigation commenced prior to the effective date of this act.**