

VIRGINIA ACTS OF ASSEMBLY -- 2004 SPECIAL SESSION II

CHAPTER 1

An Act to amend the Code of Virginia by adding a section numbered 40.1-28.4:1, relating to employee's day of rest; persons engaged in certain businesses; emergency.

[S 6002]

Approved July 13, 2004

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 40.1-28.4:1 as follows:

§ 40.1-28.4:1. Exceptions to application of §§ 40.1-28.1 through 40.1-28.4.

The provisions of §§ 40.1-28.1 through 40.1-28.4 shall not apply to persons engaged in any of the following industries or businesses:

- 1. Transportation by whatever means and supporting facilities;*
- 2. Public services and utilities, manufacturing, processing and plant operation of all types;*
- 3. Publishing, including the distribution and sale of the products thereof;*
- 4. Servicing, fueling and repair of motor vehicles, boats and aircraft, and the selling of parts and supplies therefor;*
- 5. Operation of motion picture theatres and the production of radio and television programs;*
- 6. Medical services; and other services on an emergency basis;*
- 7. Sports, athletic events and the operation of historic, entertainment and recreational facilities, and the sale or rental of boats, and swimming, fishing and boating equipment;*
- 8. Agriculture, including the operation of nurseries and florist establishments;*
- 9. Preparation and sale of prescription and nonprescription drugs and the sale of medical and hygienic supplies and baby supplies;*
- 10. Wholesale food warehouses and ship chandleries;*
- 11. Restaurants and delicatessens;*
- 12. Janitorial, custodial and like services;*
- 13. Operation of hotels and motels and funeral homes and cemeteries;*
- 14. Mining and supporting facilities;*
- 15. Sale of tobacco and related products;*
- 16. A drugstore, a majority of the sales receipts of which consist of prescription and nonprescription drugs, health and beauty aids;*
- 17. Sale of novelties, cameras, photographic supplies (including film and flash bulbs), antiques, pictures, paintings, art supplies, souvenirs, animals as pets, including tropical fish, and pet supplies; and*
- 18. Sale or leasing of noncommercial real property, mobile homes, and the sale of residential modular, panelized or other prefabricated houses, notwithstanding that such houses are not then erected or constructed on a site.*

2. That an emergency exists and this act is in force from its passage.

3. That it is the intent of the General Assembly that this act replaces repealed Virginia Code § 40.1-28.5 in its entirety, and that all case law interpreting the meaning of the exceptions contained in the former Virginia Code § 18.2-341 (§ 18.2-341 A.1. through A.19., except 15.) be considered applicable to this new act to the degree and extent it was applicable to Virginia Code § 18.2-341 prior to its repeal by the 2004 VA. Acts, Chapter 608.