

## VIRGINIA ACTS OF ASSEMBLY — CHAPTER

*An Act to amend and reenact §§ 2.2-507, 2.2-1122, 2.2-1205, 2.2-1206, 2.2-2821.2, 2.2-4501, 4.1-206, 8.01-66.2, 8.01-66.5, 8.01-66.7, 8.01-66.8, 8.01-225, 8.01-226.5:2, 8.01-420.2, 8.01-581.13, 8.01-581.19, 9.1-300 through 9.1-303, 9.1-400, 9.1-700, 9.1-801, 10.1-1141, 15.2-622, 15.2-831, 15.2-953, 15.2-954.1, 15.2-955, 15.2-1512.2, 15.2-1714, 15.2-1716, 15.2-1716.1, 16.1-228, 18.2-51.1, 18.2-121.2, 18.2-154, 18.2-174.1, 18.2-212, 18.2-340.16, 18.2-340.23, 18.2-340.34:1, 18.2-371, 18.2-371.1, 18.2-414.1, 18.2-426, 18.2-429, 18.2-488.1, 22.1-279.8, 27-1 through 27-3, 27-4, 27-6.1, 27-7, 27-8, 27-9, 27-10, 27-11, 27-13, 27-14, 27-15.1, 27-15.2, 27-17, 27-17.1, 27-20, 27-21, 27-23.1 through 27-23.5, 27-23.9, 29.1-355, 29.1-530.4, 29.1-702, 29.1-733.7, 32.1-45.1, 32.1-46.02, 32.1-111.1 through 32.1-111.9, 32.1-111.12, 32.1-111.13, 32.1-111.14, 32.1-111.15, 32.1-116.1:1, 32.1-116.3, 32.1-283.2, 32.1-291.12, 33.2-262, 33.2-501, 33.2-503, 33.2-613, 35.1-25, 38.2-1904, 38.2-2005, 38.2-2201, 38.2-2202, 38.2-3407.9, 40.1-79.01, 40.1-103, 44-146.28, 45.1-161.199, 46.2-208, 46.2-334.01, 46.2-502, 46.2-644.2, 46.2-649.1:1, 46.2-694, as it is currently effective and as it may become effective, 46.2-698, 46.2-726, 46.2-735, 46.2-752, 46.2-818, 46.2-915.1, 46.2-920, 46.2-921, 46.2-1020, 46.2-1023, 46.2-1024, 46.2-1025, 46.2-1027, 46.2-1028, 46.2-1029.2, 46.2-1044, 46.2-1052, 46.2-1076, 46.2-1077.1, 46.2-1078.1, 46.2-1239, 46.2-1900, 46.2-2000.1, 51.1-153, 51.1-155, 51.1-169, 51.1-1200, 51.1-1201, 51.1-1203, 51.1-1204, 51.1-1206, 51.1-1207, 51.1-1208, 53.1-47, 53.1-133.8, 54.1-829, 54.1-3408, 56-484.14, 57-60, 58.1-1404, 58.1-1505, 58.1-2226, 58.1-2235, 58.1-2250, 58.1-2259, 58.1-2403, 58.1-3506, 58.1-3610, 58.1-3833, 58.1-3840, 63.2-100, 63.2-1515, 65.2-101, 65.2-102, 65.2-402, 65.2-402.1, and 66-25.1 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 27-6.01, 27-6.02, 27-15.1:1, 32.1-111.4:1 through 32.1-111.4:8, and 32.1-111.14:2 through 32.1-111.14:9; and to repeal §§ 27-8.1, 27-19, 27-23.6, 32.1-111.10, and 32.1-111.11 of the Code of Virginia, relating to fire services and emergency medical services.*

[S 938]

Approved

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-507, 2.2-1122, 2.2-1205, 2.2-1206, 2.2-2821.2, 2.2-4501, 4.1-206, 8.01-66.2, 8.01-66.5, 8.01-66.7, 8.01-66.8, 8.01-225, 8.01-226.5:2, 8.01-420.2, 8.01-581.13, 8.01-581.19, 9.1-300 through 9.1-303, 9.1-400, 9.1-700, 9.1-801, 10.1-1141, 15.2-622, 15.2-831, 15.2-953, 15.2-954.1, 15.2-955, 15.2-1512.2, 15.2-1714, 15.2-1716, 15.2-1716.1, 16.1-228, 18.2-51.1, 18.2-121.2, 18.2-154, 18.2-174.1, 18.2-212, 18.2-340.16, 18.2-340.23, 18.2-340.34:1, 18.2-371, 18.2-371.1, 18.2-414.1, 18.2-426, 18.2-429, 18.2-488.1, 22.1-279.8, 27-1 through 27-3, 27-4, 27-6.1, 27-7, 27-8, 27-9, 27-10, 27-11, 27-13, 27-14, 27-15.1, 27-15.2, 27-17, 27-17.1, 27-20, 27-21, 27-23.1 through 27-23.5, 27-23.9, 29.1-355, 29.1-530.4, 29.1-702, 29.1-733.7, 32.1-45.1, 32.1-46.02, 32.1-111.1 through 32.1-111.9, 32.1-111.12, 32.1-111.13, 32.1-111.14, 32.1-111.15, 32.1-116.1:1, 32.1-116.3, 32.1-283.2, 32.1-291.12, 33.2-262, 33.2-501, 33.2-503, 33.2-613, 35.1-25, 38.2-1904, 38.2-2005, 38.2-2201, 38.2-2202, 38.2-3407.9, 40.1-79.01, 40.1-103, 44-146.28, 45.1-161.199, 46.2-208, 46.2-334.01, 46.2-502, 46.2-644.2, 46.2-649.1:1, 46.2-694, as it is currently effective and as it may become effective, 46.2-698, 46.2-726, 46.2-735, 46.2-752, 46.2-818, 46.2-915.1, 46.2-920, 46.2-921, 46.2-1020, 46.2-1023, 46.2-1024, 46.2-1025, 46.2-1027, 46.2-1028, 46.2-1029.2, 46.2-1044, 46.2-1052, 46.2-1076, 46.2-1077.1, 46.2-1078.1, 46.2-1239, 46.2-1900, 46.2-2000.1, 51.1-153, 51.1-155, 51.1-169, 51.1-1200, 51.1-1201, 51.1-1203, 51.1-1204, 51.1-1206, 51.1-1207, 51.1-1208, 53.1-47, 53.1-133.8, 54.1-829, 54.1-3408, 56-484.14, 57-60, 58.1-1404, 58.1-1505, 58.1-2226, 58.1-2235, 58.1-2250, 58.1-2259, 58.1-2403, 58.1-3506, 58.1-3610, 58.1-3833, 58.1-3840, 63.2-100, 63.2-1515, 65.2-101, 65.2-102, 65.2-402, 65.2-402.1, and 66-25.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 27-6.01, 27-6.02, 27-15.1:1, 32.1-111.4:1 through 32.1-111.4:8, and 32.1-111.14:2 through 32.1-111.14:9 as follows:**

**§ 2.2-507. Legal service in civil matters.**

A. All legal service in civil matters for the Commonwealth, the Governor, and every state department, institution, division, commission, board, bureau, agency, entity, official, court, or judge, including the conduct of all civil litigation in which any of them are interested, shall be rendered and performed by the Attorney General, except as provided in this chapter and except for any litigation concerning a justice or judge initiated by the Judicial Inquiry and Review Commission. No regular counsel shall be employed for or by the Governor or any state department, institution, division, commission, board, bureau, agency, entity, or official. The Attorney General may represent personally or

through one or more of his assistants any number of state departments, institutions, divisions, commissions, boards, bureaus, agencies, entities, officials, courts, or judges that are parties to the same transaction or that are parties in the same civil or administrative proceeding and may represent multiple interests within the same department, institution, division, commission, board, bureau, agency, or entity. The soil and water conservation district directors or districts may request legal advice from local, public, or private sources; however, upon request of the soil and water conservation district directors or districts, the Attorney General shall provide legal service in civil matters for such district directors or districts.

B. The Attorney General may represent personally or through one of his assistants any of the following persons who are made defendant in any civil action for damages arising out of any matter connected with their official duties:

1. Members, agents, or employees of the Alcoholic Beverage Control Board;
2. Agents inspecting or investigators appointed by the State Corporation Commission;
3. Agents, investigators, or auditors employed by the Department of Taxation;
4. Members, agents, or employees of the State Board of Behavioral Health and Developmental Services, the Department of Behavioral Health and Developmental Services, the State Board of Health, the State Department of Health, the Department of General Services, the State Board of Social Services, the Department of Social Services, the State Board of Corrections, the Department of Corrections, the State Board of Juvenile Justice, the Department of Juvenile Justice, the Virginia Parole Board, or the Department of Agriculture and Consumer Services;
5. Persons employed by the Commonwealth Transportation Board, the Department of Transportation, or the Department of Rail and Public Transportation;
6. Persons employed by the Commissioner of Motor Vehicles;
7. Persons appointed by the Commissioner of Marine Resources;
8. Police officers appointed by the Superintendent of State Police;
9. Conservation police officers appointed by the Department of Game and Inland Fisheries;
10. Hearing officers appointed to hear a teacher's grievance pursuant to § 22.1-311;
11. Staff members or volunteers participating in a court-appointed special advocate program pursuant to Article 5 (§ 9.1-151 et seq.) of Chapter 1 of Title 9.1;
12. Any emergency medical service agency that is a licensee of the Department of Health in any civil matter and any guardian ad litem appointed by a court in a civil matter brought against him for alleged errors or omissions in the discharge of his court-appointed duties;
13. Conservation officers of the Department of Conservation and Recreation; or
14. A person appointed by written order of a circuit court judge to run an existing corporation or company as the judge's representative, when that person is acting in execution of a lawful order of the court and the order specifically refers to this section and appoints such person to serve as an agent of the Commonwealth.

Upon request of the affected individual, the Attorney General may represent personally or through one of his assistants any basic or advanced emergency medical care attendant or technician possessing a valid certificate issued by authority of the State Board of Health in any civil matter in which a defense of immunity from liability is raised pursuant to § 8.01-225.

C. If, in the opinion of the Attorney General, it is impracticable or uneconomical for such legal service to be rendered by him or one of his assistants, he may employ special counsel for this purpose, whose compensation shall be fixed by the Attorney General. The compensation for such special counsel shall be paid out of the funds appropriated for the administration of the board, commission, division or department being represented or whose members, officers, inspectors, investigators, or other employees are being represented pursuant to this section. Notwithstanding any provision of this section to the contrary, the Supreme Court may employ its own counsel in any matter arising out of its official duties in which it, or any justice, is a party.

**§ 2.2-1122. Aid and cooperation of Division may be sought by any public body or public broadcasting station in making purchases; use of facilities of Virginia Distribution Center; services to certain volunteer organizations.**

A. Virginia public broadcasting stations as defined in § 22.1-20.1, and public bodies as defined in § 2.2-4300 who are empowered to purchase material, equipment, and supplies of any kind, may purchase through the Division. When any such public body, public broadcasting station, or duly authorized officer requests the Division to obtain bids for any materials, equipment and supplies, and the bids have been obtained by the Division, the Division may award the contract to the lowest responsible bidder, and the public body or public broadcasting station shall be bound by the contract. The Division shall set forth in the purchase order that the materials, equipment, and supplies be delivered to, and that the bill be rendered and forwarded to, the public body or public broadcasting station. Any such bill shall be a valid and enforceable claim against the public body or public broadcasting station requesting the bids.

B. The Division may make available to any public body or public broadcasting station the facilities

of the Virginia Distribution Center maintained by the Division; however, the furnishing of any such services or supplies shall not limit or impair any services or supplies normally rendered any department, division, institution, or agency of the Commonwealth.

C. The Board of Education shall furnish to the Division a list of public broadcasting stations in Virginia for the purposes of this section.

D. The services or supplies authorized by this section shall extend to any volunteer fire company or volunteer ~~rescue squad~~ *emergency medical services agency* that is recognized by an ordinance to be a part of the safety program of a county, city, or town when the services or supplies are sought through and approved by the governing body of such county, city, or town.

E. ~~Public~~ *For purposes of this section, "public* broadcasting station" means the same as that term is defined in § 22.1-20.1.

**§ 2.2-1205. Purchase of continued health insurance coverage by the surviving spouse and any dependents of an active or retired local law-enforcement officer, firefighter, etc., through the Department.**

A. The surviving spouse and any dependents of an active or retired law-enforcement officer of any county, city, or town of the Commonwealth; a jail officer; a regional jail or jail farm superintendent; a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond; *or* a member of any fire company or department or ~~rescue squad~~ *emergency medical services agency* that has been recognized by an ordinance or a resolution of the governing body of any county, city, or town of ~~this~~ *the* Commonwealth as an integral part of the official safety program of such county, city, or town; ~~or a member of an emergency medical services department,~~ whose death occurs as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813, and 65.2-402, shall be entitled, upon proper application to the Department, to purchase continued health insurance coverage on the following conditions: (i) on the date of death, the deceased participated in a health insurance plan administered by the Department pursuant to § 2.2-1204 and (ii) on the date of the deceased's death, the applicants were included in the health insurance plan in ~~condition clause (i) of this subsection.~~ The health insurance plan administered by the Department pursuant to § 2.2-1204 shall provide means whereby coverage for the spouse and any dependents of the deceased as provided in this section may be purchased. The spouse and any dependents of the deceased who purchase continued health insurance coverage pursuant to this section shall pay the same portion of the applicable premium as active employees pay for the same class of coverage, and the local government employer that employed the deceased shall pay the remaining portion of the premium.

B. Any application to purchase continued health insurance coverage hereunder shall be made in writing to the Department within ~~sixty~~ 60 days of the date of the deceased's death. The time for making application may be extended by the Department for good cause shown.

C. In addition to any necessary information requested by the Department, the application shall state whether conditions ~~(i) and (ii)~~ set forth in *clauses (i) and (ii) of subsection A of this section* have been met. If the Department states that such conditions have not been met, the Department shall conduct an informal fact-finding conference or consultation with the applicant pursuant to § 2.2-4019 of the Administrative Process Act. Upon scheduling the conference or consultation, the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall apply thereafter.

D. Upon payment of any required premiums, coverage shall automatically be extended during the period for making application and shall be effective retroactive to the date of the deceased's death.

E. The terms, conditions, and costs of continued health insurance coverage purchased hereunder shall be subject to administration by the Department. The Department may increase the cost of coverage consistent with its administration of health insurance plans under § 2.2-1204. However, at no time shall a surviving spouse or dependents pay more for continued health insurance coverage than active employees pay under the same plan for the same class of coverage.

F. For the surviving spouse, continued health insurance coverage purchased hereunder shall automatically terminate upon occurrence of any of the following: (i) death, (ii) remarriage, (iii) alternate health insurance coverage being obtained, or (iv) any applicable condition outlined in the policies and procedures of the Department governing health insurance plans administered pursuant to § 2.2-1204.

G. For any surviving dependents, continued health insurance coverage purchased hereunder shall automatically terminate upon occurrence of any of the following: (i) death; (ii) marriage; (iii) alternate health insurance coverage being obtained; (iv) attaining the age of ~~twenty-one~~ 21, unless the dependent is (a) a full-time college student, in which event coverage shall not terminate until such dependent has either attained the age of ~~twenty-five~~ 25 or until such time as the dependent ceases to be a full-time college student, whichever occurs first, or (b) under a mental or physical disability, in which event coverage shall not terminate until three months following cessation of the disability; or (v) any applicable condition outlined in the policies and procedures of the Department governing health insurance plans administered pursuant to § 2.2-1204.

**§ 2.2-1206. Purchase of continued health insurance coverage by the surviving spouse and any dependents of an active local law-enforcement officer, firefighter, etc., through a plan sponsor.**

A. For the purposes of this section, "plan sponsor" means a local government employer that has established a plan of health insurance coverage for its employees, retirees and dependents of employees as are described in subsection B.

B. The surviving spouse and any dependents of an active law-enforcement officer of any county, city, or town of ~~this~~ *the* Commonwealth; a jail officer; a regional jail or jail farm superintendent; a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond; *or* a member of any fire company or department or ~~rescue squad~~ *emergency medical services agency* that has been recognized by an ordinance or a resolution of the governing body of any county, city, or town of ~~this~~ *the* Commonwealth as an integral part of the official safety program of such county, city, or town; ~~or a member of an emergency medical services department~~; whose death occurs as the direct or proximate result of the performance of his duty shall be entitled, upon proper application to the appropriate plan sponsor, to purchase continued health insurance coverage on the following conditions: (i) on the date of death, the deceased participated in a health insurance plan administered by the plan sponsor and (ii) on the date of the deceased's death, the applicants were included in the health insurance plan in ~~condition~~ *clause (i) of this subsection*. The health insurance plan administered by the plan sponsor shall provide means whereby coverage for the spouse and any dependents of the deceased as provided in this section may be purchased.

C. Any application to purchase continued health insurance coverage hereunder shall be made in writing to the plan sponsor within ~~sixty~~ 60 days of the date of the deceased's death. The time for making application may be extended by the plan sponsor for good cause shown.

D. In addition to any necessary information requested by the plan sponsor, the application shall state whether conditions ~~(i) and (ii)~~ set forth in *clauses (i) and (ii) of* subsection B have been met. If the plan sponsor states that such conditions have not been met, the plan sponsor, notwithstanding the provisions of §§ 2.2-4002, 2.2-4006, or § 2.2-4011, shall conduct an informal fact-finding conference or consultation with the applicant pursuant to § 2.2-4019 of the Administrative Process Act. Upon scheduling the conference or consultation, the provisions of the local government's grievance procedure for nonprobationary, permanent employees shall apply thereafter.

E. Upon payment of any required premiums, coverage shall automatically be extended during the period for making application and shall be effective retroactive to the date of the deceased's death.

F. The terms, conditions, and costs of continued health insurance coverage purchased hereunder shall be subject to administration by the plan sponsor. The plan sponsor may increase the cost of coverage consistent with its administration of health insurance plans under § 2.2-1204. However, at no time shall the surviving spouse or dependents pay more for continued health insurance coverage than the active employee rate under the same plan for the same class of coverage.

G. For the surviving spouse, continued health insurance coverage purchased hereunder shall automatically terminate upon occurrence of any of the following: (i) death, (ii) remarriage, (iii) alternate health insurance coverage being obtained, or (iv) any applicable condition outlined in the policies and procedures of the plan sponsor governing health insurance plans administered for its active employees.

H. For any surviving dependents, continued health insurance coverage purchased hereunder shall automatically terminate upon occurrence of any of the following: (i) death; (ii) marriage; (iii) alternate health insurance coverage being obtained; (iv) attaining the age of ~~twenty-one~~ 21, unless the dependent is (a) a full-time college student, in which event coverage shall not terminate until such dependent has either attained the age of ~~twenty-five~~ 25 or until such time as the dependent ceases to be a full-time college student, whichever occurs first, or (b) under a mental or physical disability, in which event coverage shall not terminate until three months following cessation of the disability; or (v) any applicable condition outlined in the policies and procedures of the plan sponsor governing health insurance plans administered for its active employees.

**§ 2.2-2821.2. Leave for volunteer fire and volunteer emergency medical services.**

State employees shall be allowed up to 24 hours of paid leave in any calendar year, in addition to other paid leave, to serve with a volunteer fire department ~~and rescue squad or volunteer emergency medical services agency~~ or auxiliary unit thereof that has been recognized in accordance with § 15.2-955 by an ordinance or resolution of the political subdivision where the volunteer fire department or ~~rescue squad~~ *volunteer emergency medical services agency* is located as being a part of the safety program of such political subdivision. The Department shall develop personnel policies providing for the use of such leave. For the purposes of this section, "state employee" means any person who is regularly employed full time on a salaried basis, whose tenure is not restricted as to temporary or provisional appointment, in the service of, and whose compensation is payable, no more often than biweekly, in whole or in part, by the Commonwealth or any department, institution, or agency thereof.

**§ 2.2-4501. Legal investments for other public funds.**

A. The Commonwealth, all public officers, municipal corporations, other political subdivisions and all other public bodies of the Commonwealth may invest any and all moneys belonging to them or within their control, other than sinking funds, in the following:

1. Stocks, bonds, notes, and other evidences of indebtedness of the Commonwealth and those unconditionally guaranteed as to the payment of principal and interest by the Commonwealth.

2. Bonds, notes and other obligations of the United States, and securities unconditionally guaranteed as to the payment of principal and interest by the United States, or any agency thereof. The evidences of indebtedness enumerated by this subdivision may be held directly, or in the form of repurchase agreements collateralized by such debt securities, or in the form of securities of any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, provided that the portfolio of such investment company or investment trust is limited to such evidences of indebtedness, or repurchase agreements collateralized by such debt securities, or securities of other such investment companies or investment trusts whose portfolios are so restricted.

3. Stocks, bonds, notes and other evidences of indebtedness of any state of the United States upon which there is no default and upon which there has been no default for more than ~~ninety~~ 90 days; provided, that within the ~~twenty~~ 20 fiscal years next preceding the making of such investment, such state has not been in default for more than ~~ninety~~ 90 days in the payment of any part of principal or interest of any debt authorized by the legislature of such state to be contracted.

4. Stocks, bonds, notes and other evidences of indebtedness of any county, city, town, district, authority or other public body in the Commonwealth upon which there is no default; provided, that if the principal and interest be payable from revenues or tolls and the project has not been completed, or if completed, has not established an operating record of net earnings available for payment of principal and interest equal to estimated requirements for that purpose according to the terms of the issue, the standards of judgment and care required in Article 9 (§ 64.2-780 et seq.) of Chapter 7 of Title 64.2, without reference to this section, shall apply.

In any case in which an authority, having an established record of net earnings available for payment of principal and interest equal to estimated requirements for that purpose according to the terms of the issue, issues additional evidences of indebtedness for the purposes of acquiring or constructing additional facilities of the same general character that it is then operating, such additional evidences of indebtedness shall be governed by the provisions of this section without limitation.

5. Legally authorized stocks, bonds, notes and other evidences of indebtedness of any city, county, town, or district situated in any one of the states of the United States upon which there is no default and upon which there has been no default for more than ~~ninety~~ 90 days; provided, that (i) within the ~~twenty~~ 20 fiscal years next preceding the making of such investment, such city, county, town, or district has not been in default for more than ~~ninety~~ 90 days in the payment of any part of principal or interest of any stock, bond, note or other evidence of indebtedness issued by it; (ii) such city, county, town, or district shall have been in continuous existence for at least ~~twenty~~ 20 years; (iii) such city, county, town, or district has a population, as shown by the federal census next preceding the making of such investment, of not less than 25,000 inhabitants; (iv) the stocks, bonds, notes or other evidences of indebtedness in which such investment is made are the direct legal obligations of the city, county, town, or district issuing the same; (v) the city, county, town, or district has power to levy taxes on the taxable real property therein for the payment of such obligations without limitation of rate or amount; and (vi) the net indebtedness of such city, county, town, or district (including the issue in which such investment is made), after deducting the amount of its bonds issued for self-sustaining public utilities, does not exceed ~~ten~~ 10 percent of the value of the taxable property in such city, county, town, or district, to be ascertained by the valuation of such property therein for the assessment of taxes next preceding the making of such investment.

6. Bonds and other obligations issued, guaranteed or assumed by the International Bank for Reconstruction and Development, by the Asian Development Bank or by the African Development Bank.

B. This section shall not apply to funds authorized by law to be invested by the Virginia Retirement System or to deferred compensation plan funds to be invested pursuant to § 51.1-601 or to funds contributed by a locality to a pension program for the benefit of any volunteer fire department ~~and~~ *rescue squad or volunteer emergency medical services agency* established pursuant to § 15.2-955.

C. Investments made prior to July 1, 1991, pursuant to § 51.1-601 are ratified and deemed valid to the extent that such investments were made in conformity with the standards set forth in Chapter 6 (§ 51.1-600 et seq.) of Title 51.1.

#### § 4.1-206. Alcoholic beverage licenses.

The Board may grant the following licenses relating to alcoholic beverages generally:

1. Distillers' licenses, which shall authorize the licensee to manufacture alcoholic beverages other

than wine and beer, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth. When the Board has established a government store on the distiller's licensed premises pursuant to subsection D of § 4.1-119, such license shall also authorize the licensee to make a charge to consumers to participate in an organized tasting event conducted in accordance with subsection G of § 4.1-119 and Board regulations.

2. Fruit distillers' licenses, which shall authorize the licensee to manufacture any alcoholic beverages made from fruit or fruit juices, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth.

3. Banquet facility licenses to volunteer fire departments and volunteer ~~rescue squads~~ *emergency medical services agencies*, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a *volunteer* fire or ~~rescue squad~~ *volunteer emergency medical services agency* station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a *volunteer* fire or ~~rescue squad~~ *volunteer emergency medical services agency* station, provided such other premises are occupied and under the control of the *volunteer* fire department or ~~rescue squad~~ *volunteer emergency medical services agency* while the privileges of its license are being exercised.

4. Bed and breakfast licenses, which shall authorize the licensee to serve alcoholic beverages in dining areas, private guest rooms and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises.

5. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

6. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

7. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt and steeplechase events and (ii) exercised on no more than four calendar days per year.

8. Day spa licenses, which shall authorize the licensee to (i) permit the consumption of lawfully acquired wine or beer on the premises of the licensee by any bona fide customer of the day spa and (ii) serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the day spa regularly occupied and utilized as such.

9. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

10. Meal-assembly kitchen license, which shall authorize the licensee to serve wine or beer on the premises of the licensee to any such bona fide customer attending either a private gathering or a special event; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce

glasses of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the meal-assembly kitchen regularly occupied and utilized as such.

11. Canal boat operator license, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide customer attending either a private gathering or a special event; however, the licensee shall not sell or otherwise charge a fee to such customer for the alcoholic beverages so consumed. The privileges of this license shall be limited to the premises of the licensee, including the canal, the canal boats while in operation, and any pathways adjacent thereto. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

12. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

**§ 8.01-66.2. Lien against person whose negligence causes injury.**

Whenever any person sustains personal injuries caused by the alleged negligence of another and receives treatment in any hospital, public or private, or nursing home, or receives medical attention or treatment from any physician, or receives nursing service or care from any registered nurse, or receives physical therapy treatment from any registered physical therapist in this Commonwealth, or receives medicine from a pharmacy, or receives any ~~ambulance service~~ *emergency medical services and transportation provided by an emergency medical services vehicle*, such hospital, nursing home, physician, nurse, physical therapist, pharmacy or ~~ambulance service~~ *emergency medical services and transportation provided by an emergency medical services vehicle* shall each have a lien for the amount of a just and reasonable charge for the service rendered, but not exceeding \$2,500 in the case of a hospital or nursing home, \$750 for each physician, nurse, physical therapist, or pharmacy, and \$200 for each ~~ambulance service~~ *emergency medical services agency providing emergency medical services or emergency medical services vehicle transportation* on the claim of such injured person or of his personal representative against the person, firm, or corporation whose negligence is alleged to have caused such injuries.

**§ 8.01-66.5. Written notice required.**

A. No lien provided for in § 8.01-66.2, 8.01-66.9, or 19.2-368.15 shall be created or become effective in favor of the Commonwealth, an institution thereof, or a hospital, nursing home, physician, nurse, or physical therapist, or ~~ambulance service~~ *emergency medical services and transportation provided by an emergency medical services vehicle*, unless and until a written notice of lien setting forth the name of the Commonwealth, or the institution, hospital, nursing home, physician, nurse, physical therapist, or ~~ambulance service~~ *emergency medical services agency that provided emergency medical services or emergency medical services vehicle transportation* and the name of the injured person, has been served upon or given to the person, firm, or corporation whose negligence is alleged to have caused such injuries, or to the attorney for the injured party, or to the injured party. Such written notice of lien shall not be required if the attorney for the injured party knew that medical services were either provided or paid for by the Commonwealth.

B. In any action for personal injuries or wrongful death against a nursing home or its agents, if the Department of Medical Assistance Services has paid for any health care services provided to the injured party or decedent relating to the action, the injured party or personal representative shall, within 60 days of filing a lawsuit or 21 days of determining that the Department of Medical Assistance Services has paid for such health care services, whichever is later, give written notice to the Department of Medical Assistance Services that the lawsuit has been filed. The Department of Medical Assistance Services shall provide a written response, stating the amount of the lien as of the date of their response, within 60 days of receiving a request for that information from the injured party or personal representative.

**§ 8.01-66.7. Hearing and disposal of claim of unreasonableness.**

If the injured person questions the reasonableness of the charges made by a hospital, nurse, physician, or ~~ambulance service~~ *emergency medical services agency that provided emergency medical services or emergency medical services vehicle transportation* claiming a lien pursuant to § 8.01-66.2, the injured person or the hospital, physician, nurse, or ~~ambulance service~~ *emergency medical services agency that provided emergency medical services or emergency medical services vehicle transportation* may file, in the court that would have jurisdiction of such claim if such claim were asserted against the injured person by such hospital, physician, nurse, or ~~ambulance service~~ *emergency medical services*

agency that provided emergency medical services or emergency medical services vehicle transportation, a petition setting forth the facts. The court shall hear and dispose of the matter in a summary way after five days' notice to the other party in interest.

**§ 8.01-66.8. Petition to enforce lien.**

If suit is instituted by an injured person or his personal representative against the person, firm, or corporation allegedly causing the person's injuries, a hospital, nursing home, physician, nurse, or ambulance service emergency medical services agency that provided emergency medical services or emergency medical services vehicle transportation, in lieu of proceeding according to §§ 8.01-66.5 to 8.01-66.7, may file in the court wherein such suit is pending a petition to enforce the lien provided for in § 8.01-66.2 or § 8.01-66.9. Such petition shall be heard and disposed of in a summary way.

**§ 8.01-225. Persons rendering emergency care, obstetrical services exempt from liability.**

A. Any person who:

1. In good faith, renders emergency care or assistance, without compensation, to any ill or injured person (i) at the scene of an accident, fire, or any life-threatening emergency; (ii) at a location for screening or stabilization of an emergency medical condition arising from an accident, fire, or any life-threatening emergency; or (iii) en route to any hospital, medical clinic, or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance.

2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a female in active labor who has not previously been cared for in connection with the pregnancy by such person or by another professionally associated with such person and whose medical records are not reasonably available to such person shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care or assistance. The immunity herein granted shall apply only to the emergency medical care provided.

3. In good faith and without compensation, including any emergency medical services technician certified by the Board of Health provider who holds a valid certificate issued by the Commissioner of Health, administers epinephrine in an emergency to an individual shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such person has reason to believe that the individual receiving the injection is suffering or is about to suffer a life-threatening anaphylactic reaction.

4. Provides assistance upon request of any police agency, fire department, rescue or emergency squad emergency medical services agency, or governmental agency in the event of an accident or other emergency involving the use, handling, transportation, transmission, or storage of liquefied petroleum gas, liquefied natural gas, hazardous material, or hazardous waste as defined in § 10.1-1400 or regulations of the Virginia Waste Management Board shall not be liable for any civil damages resulting from any act of commission or omission on his part in the course of his rendering such assistance in good faith.

5. Is an emergency medical care attendant or technician services provider possessing a valid certificate issued by authority of the State Board of Health who in good faith renders emergency care or assistance, whether in person or by telephone or other means of communication, without compensation, to any injured or ill person, whether at the scene of an accident, fire, or any other place, or while transporting such injured or ill person to, from, or between any hospital, medical facility, medical clinic, doctor's office, or other similar or related medical facility, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but in no way limited to acts or omissions which involve violations of State Department of Health regulations or any other state regulations in the rendering of such emergency care or assistance.

6. In good faith and without compensation, renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures which have been approved by the State Board of Health to any sick or injured person, whether at the scene of a fire, an accident, or any other place, or while transporting such person to or from any hospital, clinic, doctor's office, or other medical facility, shall be deemed qualified to administer such emergency treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of such emergency resuscitative treatments or procedures.

7. Operates an AED at the scene of an emergency, trains individuals to be operators of AEDs, or orders AEDs, shall be immune from civil liability for any personal injury that results from any act or omission in the use of an AED in an emergency where the person performing the defibrillation acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances, unless such personal injury results from gross negligence or willful or wanton misconduct of the person rendering such emergency care.

8. Maintains an AED located on real property owned or controlled by such person shall be immune



from civil liability for any personal injury that results from any act or omission in the use in an emergency of an AED located on such property unless such personal injury results from gross negligence or willful or wanton misconduct of the person who maintains the AED or his agent or employee.

9. Is an employee of a school board or of a local health department approved by the local governing body to provide health services pursuant to § 22.1-274 who, while on school property or at a school-sponsored event, (i) renders emergency care or assistance to any sick or injured person; (ii) renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures that have been approved by the State Board of Health to any sick or injured person; (iii) operates an AED, trains individuals to be operators of AEDs, or orders AEDs; or (iv) maintains an AED, shall not be liable for civil damages for ordinary negligence in acts or omissions on the part of such employee while engaged in the acts described in this subdivision.

10. Is a volunteer in good standing and certified to render emergency care by the National Ski Patrol System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue, or any other place or while transporting such injured or ill person to a place accessible for transfer to any available emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but not limited to acts or omissions which involve violations of any state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such emergency care or assistance, unless such act or omission was the result of gross negligence or willful misconduct.

11. Is an employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, who, upon the written request of the parents as defined in § 22.1-1, assists with the administration of insulin or administers glucagon to a student diagnosed as having diabetes who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the child's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a school board is covered by the immunity granted herein, the school board employing him shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

12. Is a school nurse, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine and who provides, administers, or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

13. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of insulin and glucagon and who administers or assists with the administration of insulin or administers glucagon to a person diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia in accordance with § 54.1-3408 shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered in accordance with the prescriber's instructions or such person has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person who provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services is covered by the immunity granted herein, the provider shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

14. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a

person believed in good faith to be having an anaphylactic reaction in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

15. In good faith and without compensation, administers naloxone in an emergency to an individual who is experiencing or is about to experience a life-threatening opiate overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such administering person is a participant in a pilot program conducted by the Department of Behavioral Health and Developmental Services on the administration of naloxone for the purpose of counteracting the effects of opiate overdose.

B. Any licensed physician serving without compensation as the operational medical director for a licensed emergency medical services agency in the Commonwealth that holds a valid license as an emergency medical services agency issued by the Commissioner of Health shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency medical services in good faith by the personnel of such licensed agency unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any person serving without compensation as a dispatcher for any licensed public or nonprofit emergency medical services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency services in good faith by the personnel of such licensed agency unless such act or omission was the result of such dispatcher's gross negligence or willful misconduct.

Any individual, certified by the State Office of Emergency Medical Services as an emergency medical services instructor and pursuant to a written agreement with such office, who, in good faith and in the performance of his duties, provides instruction to persons for certification or recertification as a certified basic life support or advanced life support emergency medical services technician provider shall not be liable for any civil damages for acts or omissions on his part directly relating to his activities on behalf of such office unless such act or omission was the result of such emergency medical services instructor's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a medical advisor to an E-911 system in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911 service, as defined in § 58.1-1730, when answering emergency calls unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician who directs the provision of emergency medical services, as authorized by the State Board of Health, through a communications device shall not be liable for any civil damages for any act or omission resulting from the rendering of such emergency medical services unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a supervisor of an AED in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to the owner of the AED relating to personnel training, local emergency medical services coordination, protocol approval, AED deployment strategies, and equipment maintenance plans and records unless such act or omission was the result of such physician's gross negligence or willful misconduct.

C. Any communications services provider, as defined in § 58.1-647, including mobile service, and any provider of Voice-over-Internet Protocol service, in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering such service with or without charge related to emergency calls unless such act or omission was the result of such service provider's gross negligence or willful misconduct.

Any volunteer engaging in rescue or recovery work at a mine, or any mine operator voluntarily providing personnel to engage in rescue or recovery work at a mine not owned or operated by such operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such rescue or recovery work in good faith unless such act or omission was the result of gross negligence or willful misconduct. For purposes of this subsection, the term "Voice-over-Internet Protocol service" or "VoIP service" means any Internet protocol-enabled services utilizing a broadband connection, actually originating or terminating in Internet Protocol from either or both ends of a channel of communication offering real time, multidirectional voice functionality, including, but not limited to, services similar to traditional telephone service.

D. Nothing contained in this section shall be construed to provide immunity from liability arising out of the operation of a motor vehicle.

E. [Expired.]

F. For the purposes of this section, the term "compensation" shall not be construed to include (i) the salaries of police, fire, or other public officials or personnel who render such emergency assistance; (ii)

the salaries or wages of employees of a coal producer engaging in emergency medical ~~technician~~ *services* or first aid ~~service~~ *services* pursuant to the provisions of § 45.1-161.38, 45.1-161.101, 45.1-161.199, or 45.1-161.263; (iii) complimentary lift tickets, food, lodging, or other gifts provided as a gratuity to volunteer members of the National Ski Patrol System, Inc., by any resort, group, or agency; (iv) the salary of any person who (a) owns an AED for the use at the scene of an emergency, (b) trains individuals, in courses approved by the Board of Health, to operate AEDs at the scene of emergencies, (c) orders AEDs for use at the scene of emergencies, or (d) operates an AED at the scene of an emergency; or (v) expenses reimbursed to any person providing care or assistance pursuant to this section.

For the purposes of this section, ~~an "emergency medical care attendant or technician services provider"~~ shall be deemed to include a person licensed or certified as such or its equivalent by any other state when he is performing services ~~which~~ *that* he is licensed or certified to perform by such other state in caring for a patient in transit in the Commonwealth, which care originated in such other state.

Further, the public shall be urged to receive training on how to use CPR and an AED in order to acquire the skills and confidence to respond to emergencies using both CPR and an AED.

**§ 8.01-226.5:2. Immunity of hospital and emergency medical services agency personnel for the acceptance of certain infants.**

Any personnel of a hospital ~~or rescue squad or emergency medical services agency~~ receiving a child under the circumstances described in ~~subsection B~~ *the second paragraph* of § 18.2-371, subdivision B 2 of § 18.2-371.1, or subsection B of § 40.1-103 shall be immune from civil liability or criminal prosecution for injury or other damage to the child unless such injury or other damage is the result of gross negligence or willful misconduct by such personnel.

**§ 8.01-420.2. Limitation on use of recorded conversations as evidence.**

No mechanical recording, electronic or otherwise, of a telephone conversation shall be admitted into evidence in any civil proceeding unless (i) all parties to the conversation were aware the conversation was being recorded or (ii) the portion of the recording to be admitted contains admissions that, if true, would constitute criminal conduct which is the basis for the civil action, and one of the parties was aware of the recording and the proceeding is not one for divorce, separate maintenance or annulment of a marriage. The parties' knowledge of the recording pursuant to clause (i) shall be demonstrated by a declaration at the beginning of the recorded portion of the conversation to be admitted into evidence that the conversation is being recorded. This section shall not apply to emergency reporting systems operated by police and fire departments and by ~~rescue squads~~ *emergency medical services agencies*, nor to any communications common carrier utilizing service observing or random monitoring pursuant to § 19.2-62.

**§ 8.01-581.13. Civil immunity for certain health professionals and health profession students serving as members of certain entities.**

A. For the purposes of this subsection, "health professional" means any clinical psychologist, applied psychologist, school psychologist, dentist, certified emergency medical services ~~personnel~~ *provider*, licensed professional counselor, licensed substance abuse treatment practitioner, certified substance abuse counselor, certified substance abuse counseling assistant, licensed marriage and family therapist, nurse, optometrist, pharmacist, physician, chiropractor, podiatrist, or veterinarian who is actively engaged in the practice of his profession or any member of the Health Practitioners' Monitoring Program Committee pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

Unless such act, decision, or omission resulted from such health professional's bad faith or malicious intent, any health professional, as defined in this subsection, shall be immune from civil liability for any act, decision or omission resulting from his duties as a member or agent of any entity which functions primarily (i) to investigate any complaint that a physical or mental impairment, including alcoholism or drug addiction, has impaired the ability of any such health professional to practice his profession and (ii) to encourage, recommend and arrange for a course of treatment or intervention, if deemed appropriate, or (iii) to review or monitor the duration of patient stays in health facilities, delivery of professional services, or the quality of care delivered in the statewide emergency medical ~~care~~ *services* system for the purpose of promoting the most efficient use of available health facilities and services, the adequacy and quality of professional services, or the reasonableness or appropriateness of charges made by or on behalf of such health professionals. Such entity shall have been established pursuant to a federal or state law, or by one or more public or licensed private hospitals, or a relevant health professional society, academy or association affiliated with the American Medical Association, the American Dental Association, the American Pharmaceutical Association, the American Psychological Association, the American Podiatric Medical Association, the American Society of Hospitals and Pharmacies, the American Veterinary Medical Association, the American Association for Counseling and Development, the American Optometric Association, International Chiropractic Association, the American Chiropractic Association, the NAADAC: the Association for Addiction Professionals, the American Association for Marriage and Family Therapy or a governmental agency.

B. For the purposes of this subsection, "health profession student" means a student in good standing who is enrolled in an accredited school, program, or curriculum in clinical psychology, counseling, dentistry, medicine, nursing, pharmacy, chiropractic, marriage and family therapy, substance abuse treatment, or veterinary medicine and has received training relating to substance abuse.

Unless such act, decision, or omission resulted from such health profession student's bad faith or malicious intent, any health profession student, as defined in this subsection, shall be immune from civil liability for any act, decision, or omission resulting from his duties as a member of an entity established by the institution of higher education in which he is enrolled or a professional student's organization affiliated with such institution which functions primarily (i) to investigate any complaint of a physical or mental impairment, including alcoholism or drug addiction, of any health profession student and (ii) to encourage, recommend, and arrange for a course of treatment, if deemed appropriate.

C. The immunity provided hereunder shall not extend to any person with respect to actions, decisions or omissions, liability for which is limited under the provisions of the federal Social Security Act or amendments thereto.

**§ 8.01-581.19. Civil immunity for physicians, psychologists, podiatrists, optometrists, veterinarians, nursing home administrators, and certified emergency medical services providers while members of certain committees.**

A. Any physician, chiropractor, psychologist, podiatrist, veterinarian, or optometrist licensed to practice in ~~this~~ *the* Commonwealth shall be immune from civil liability for any communication, finding, opinion, or conclusion made in performance of his duties while serving as a member of any committee, board, group, commission, or other entity that is responsible for resolving questions concerning the admission of any physician, psychologist, podiatrist, veterinarian, or optometrist to, or the taking of disciplinary action against any member of, any medical society, academy, or association affiliated with the American Medical Association, the Virginia Academy of Clinical Psychologists, the American Psychological Association, the Virginia Applied Psychology Academy, the Virginia Academy of School Psychologists, the American Podiatric Medical Association, the American Veterinary Medical Association, the International Chiropractic Association, the American Chiropractic Association, the Virginia Chiropractic Association, or the American Optometric Association; provided that such communication, finding, opinion, or conclusion is not made in bad faith or with malicious intent.

B. Any nursing home administrator licensed under the laws of ~~this~~ *the* Commonwealth shall be immune from civil liability for any communication, finding, opinion, decision, or conclusion made in performance of his duties while serving as a member of any committee, board, group, commission, or other entity that is responsible for resolving questions concerning the admission of any health care facility to, or the taking of disciplinary action against any member of, the Virginia Health Care Association, provided that such communication, finding, opinion, decision, or conclusion is not made in bad faith or with malicious intent.

C. Any emergency medical services ~~personnel certified under the laws of the Commonwealth~~ *provider who holds a valid certificate issued by the Commissioner of Health* shall be immune from civil liability for any communication, finding, opinion, decision, or conclusion made in performance of his duties while serving as a member of any regional council, committee, board, group, commission, or other entity that is responsible for resolving questions concerning the quality of care, including triage, interfacility transfer, and other components of emergency medical services care, unless such communication, finding, opinion, decision, or conclusion is made in bad faith or with malicious intent.

**§ 9.1-300. Definitions.**

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

"Emergency medical ~~technician services personnel~~" means any person who *holds a valid certificate issued by the Commissioner and who is employed solely within the fire department, emergency medical services agency, or public safety department of an employing agency as a full-time emergency medical technician services personnel* whose primary responsibility is the provision of emergency care to the sick and injured, using either basic or advanced techniques. Emergency medical ~~technicians services personnel~~ may also provide fire protection services and assist in the enforcement of the fire prevention code.

"Employing agency" means any municipality of the Commonwealth or any political subdivision thereof, including authorities and special districts, ~~which~~ *that* employs firefighters and emergency medical ~~technicians services personnel~~.

"Firefighter" means any person who is employed solely within the fire department or public safety department of an employing agency as a full-time firefighter whose primary responsibility is the prevention and extinguishment of fires, the protection of life and property, and the enforcement of local and state fire prevention codes and laws pertaining to the prevention and control of fires.

"Interrogation" means any questioning of a formal nature as used in Chapter 4 (§ 9.1-500 et seq.) ~~of this title~~ that could lead to dismissal, demotion, or suspension for punitive reasons of a firefighter or

emergency medical ~~technician~~ *services personnel*.

**§ 9.1-301. Conduct of interrogation.**

The provisions of this section shall apply whenever a firefighter or emergency medical ~~technician~~ *services personnel* are subjected to an interrogation ~~which~~ *that* could lead to dismissal, demotion, or suspension for punitive reasons:

1. The interrogation shall take place at the facility where the investigating officer is assigned, or at the facility ~~which~~ *that* has jurisdiction over the place where the incident under investigation allegedly occurred, as designated by the investigating officer.

2. No firefighter or emergency medical ~~technician~~ *services personnel* shall be subjected to interrogation without first receiving written notice of sufficient detail of the investigation in order to reasonably apprise the firefighter or emergency medical ~~technician~~ *services personnel* of the nature of the investigation.

3. All interrogations shall be conducted at a reasonable time of day, preferably when the firefighter or *individual who meets the definition of "emergency medical ~~technician~~ services personnel"* in § 32.1-111.1 is on duty, unless the matters being investigated are of such a nature that immediate action is required.

4. The firefighter or emergency medical ~~technician~~ *services personnel* under investigation shall be informed of the name, rank, and unit or command of the officer in charge of the investigation, the interrogators, and all persons present during any interrogation.

5. Interrogation sessions shall be of reasonable duration, and the firefighter or emergency medical ~~technician~~ *services personnel* shall be permitted reasonable periods for rest and personal necessities. The firefighter or emergency medical ~~technician~~ *services personnel* may have an observer of his choice present during the interrogation, as long as the interview is not unduly delayed. This observer may not participate or represent the employee, may not be involved in the investigation, and must be a current member of the Department, for purposes of confidentiality.

6. The firefighter or emergency medical ~~technician~~ *services personnel* being interrogated shall not be subjected to offensive language or offered any incentive as an inducement to answer any questions.

7. If a recording of any interrogation is made, and if a transcript of the interrogation is made, the firefighter or emergency medical ~~technician~~ *services personnel* under investigation shall be entitled to a copy without charge. Such record may be electronically recorded.

8. No firefighter or emergency medical ~~technician~~ *services personnel* shall be discharged, disciplined, demoted, denied promotion or seniority, or otherwise disciplined or discriminated against in regard to his employment, or be threatened with any such treatment as retaliation for his exercise of any of the rights granted or protected by this chapter.

Nothing contained in this section shall prohibit a local governing body from granting its employees rights greater than those contained herein.

**§ 9.1-302. Breach of procedures.**

Any breach of the procedures required by this chapter shall not exclude any evidence from being presented in any case against a firefighter or *individual who meets the definition of "emergency medical ~~technician~~ services personnel"* in § 32.1-111.1 and shall not cause any charge to be dismissed unless the firefighter or emergency medical ~~technician~~ *services personnel* demonstrates that the breach prejudiced his case.

**§ 9.1-303. Informal counseling not prohibited.**

Nothing in this chapter shall be construed to prohibit the informal counseling of a firefighter or emergency medical ~~technician~~ *services personnel* by a supervisor in reference to a minor infraction of policy or procedure ~~which~~ *that* does not result in disciplinary action being taken against the firefighter or emergency medical ~~technician~~ *services personnel*.

**§ 9.1-400. Title of chapter; definitions.**

A. This chapter shall be known and designated as the Line of Duty Act.

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

"Beneficiary" means the spouse of a deceased person and such persons as are entitled to take under the will of a deceased person if testate, or as his heirs at law if intestate.

"Deceased person" means any individual whose death occurs on or after April 8, 1972, as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813, and 65.2-402, as a law-enforcement officer of the Commonwealth or any of its political subdivisions; a correctional officer as defined in § 53.1-1; a jail officer; a regional jail or jail farm superintendent; a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond; a police chaplain; a member of any fire company or department or ~~rescue squad~~ *emergency medical services agency* that has been recognized by an ordinance or a resolution of the governing body of any county, city, or town of the Commonwealth as an integral part of the official safety program of such county, city, or town; a member of any fire company providing fire protection services for facilities

of the Virginia National Guard; a member of the Virginia National Guard or the Virginia Defense Force while such member is serving in the Virginia National Guard or the Virginia Defense Force on official state duty or federal duty under Title 32 of the United States Code; any special agent of the Virginia Alcoholic Beverage Control Board; any regular or special conservation police officer who receives compensation from a county, city, or town or from the Commonwealth appointed pursuant to the provisions of § 29.1-200; any commissioned forest warden appointed under the provisions of § 10.1-1135; any member or employee of the Virginia Marine Resources Commission granted the power of arrest pursuant to § 28.2-900; any Department of Emergency Management hazardous materials officer; any other employee of the Department of Emergency Management who is performing official duties of the agency, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28; any employee of any county, city, or town performing official emergency management or emergency services duties in cooperation with the Department of Emergency Management, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28 or a local emergency, as defined in § 44-146.16, declared by a local governing body; any nonfirefighter regional hazardous materials emergency response team member; any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; or any full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217.

"Disabled person" means any individual who, as the direct or proximate result of the performance of his duty in any position listed in the definition of deceased person in this section, has become mentally or physically incapacitated so as to prevent the further performance of duty where such incapacity is likely to be permanent. The term shall also include any state employee included in the definition of a deceased person who was disabled on or after January 1, 1966.

"Line of duty" means any action the deceased or disabled person was obligated or authorized to perform by rule, regulation, condition of employment or service, or law.

#### **§ 9.1-700. Definitions.**

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

"Employer" means any political subdivision of the Commonwealth, including any county, city, town, authority, or special district that employs fire protection employees except any locality with five or fewer paid firefighters that is exempt from overtime rules by 29 U.S.C. § 207 (k).

"Fire protection employee" means any person, other than an employee who is exempt from the overtime provisions of the Fair Labor Standards Act, who is employed by an employer as a paid firefighter, ~~paramedic~~, emergency medical ~~technician services provider~~, ~~rescue worker~~, ~~ambulance personnel~~, or hazardous materials worker who is (i) trained in fire suppression and has the legal authority and responsibility to engage in fire suppression; and is employed by a fire department of an employer; and (ii) engaged in the prevention, control, and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk.

"Law-enforcement employee" means any person who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, other than an employee who is exempt from the overtime provisions of the Fair Labor Standards Act, and who is a full-time employee of either (i) a police department or (ii) a sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof.

"Regularly scheduled work hours" means those hours that are recurring and fixed within the work period and for which an employee receives a salary or hourly compensation. "Regularly scheduled work hours" does not include on-call, extra duty assignments or any other nonrecurring and nonfixed hours.

#### **§ 9.1-801. Public safety officer defined.**

As used in this chapter, the term "public safety officer" includes a law-enforcement officer of ~~this the~~ Commonwealth or any of its political subdivisions; a correctional officer as defined in § 53.1-1; a correctional officer employed at a juvenile correctional facility as the term is defined in § 66-25.3; a jail officer; a regional jail or jail farm superintendent; a member of any fire company or department or ~~rescue squad nonprofit or volunteer emergency medical services agency~~ that has been recognized by an ordinance or resolution of the governing body of any county, city, or town of ~~this the~~ Commonwealth as an integral part of the official safety program of such county, city, or town; an arson investigator; a member of the Virginia National Guard or the Virginia Defense Force while such a member is serving in the Virginia National Guard or the Virginia Defense Force on official state duty or federal duty under Title 32 of the United States Code; any special agent of the Virginia Alcoholic Beverage Control Board; any police agent appointed under the provisions of § 56-353; any regular or special conservation police officer who receives compensation from a county, city, or town or from the Commonwealth appointed pursuant to § 29.1-200; any commissioned forest warden appointed pursuant to § 10.1-1135; any member or employee of the Virginia Marine Resources Commission granted the power to arrest pursuant to

§ 28.2-900; any Department of Emergency Management hazardous materials officer; any nonfirefighter regional hazardous materials emergency response team member; any investigator who is a full-time sworn member of the security division of the Virginia Lottery; any full-time sworn member of the enforcement division of the Department of Motor Vehicles meeting the Department of Criminal Justice Services qualifications, when fulfilling duties pursuant to § 46.2-217; any campus police officer appointed under the provisions of Chapter 17 (§ 23-232 et seq.) of Title 23; and any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115.

**§ 10.1-1141. Liability and recovery of cost of fighting forest fires by localities and the State Forester.**

A. The State Forester in the name of the Commonwealth shall collect the costs of ~~fire fighting~~ *firefighting* performed under the direction of a forest warden in accordance with § 10.1-1139 from any person who, negligently or intentionally without using reasonable care and precaution starts a fire or who negligently or intentionally fails to prevent its escape, which fire burns on any forestland, brushland, grassland or wasteland. Such person shall be liable for the full amount of all expenses incurred by the Commonwealth, for fighting or extinguishing such fire. All expenses collected shall be credited to the Forestry Operations Fund. It shall be the duty of the Commonwealth's attorneys to institute and prosecute proper proceedings under this section, at the instance of the State Forester.

B. Any locality may collect the costs of ~~fire fighting~~ *firefighting* from any person who intentionally starts a fire and who fails to attempt to prevent its escape, which fire burns on any forestland, brushland, grassland or wasteland. Such person shall be liable for the full amount of all expenses incurred by the locality and any volunteer fire ~~company~~ or ~~rescue squad~~ *volunteer emergency medical services agency* to fight or extinguish the fire and the reasonable administrative costs expended to collect such expenses. The locality shall remit any costs recovered on behalf of another entity to such entity.

C. The State Forester or a locality may institute an action and recover from either one or both parents of any minor, living with such parents or either of them, the cost of forest fire suppression suffered by reason of the willful or malicious destruction of, or damage to, public or private property by such minor. No more than \$750 may be recovered from such parents or either of them as a result of any forest fire incident or occurrence on which such action is based.

**§ 15.2-622. Same; director as purchasing agent.**

The director of finance shall act as purchasing agent for the county, unless the board designates another officer or employee for such purpose. The director of finance or the person designated as purchasing agent shall make all purchases, subject to such exceptions as the board allows. He may transfer supplies, materials and equipment between departments and offices; sell, exchange or otherwise dispose of any surplus supplies, materials or equipment; and make such other sales, exchanges and dispositions as the board authorizes. He may, with the approval of the board, establish suitable specifications or standards for all goods, services, insurance and construction to be procured for the county; inspect all deliveries to determine their compliance with such specifications and standards; and sell supplies, materials and equipment to volunteer ~~rescue squads~~ *emergency medical services agencies* at the same cost as the cost of such supplies, materials and equipment to the county. He shall have charge of such storerooms and warehouses of the county as the board provides.

All purchases shall be made in accordance with Chapter 43 (§ 2.2-4300 et seq.) of Title 2.2 and under such rules and regulations consistent with Chapter 43 of Title 2.2 as the board establishes. He shall not furnish any goods, services, insurance or construction to any department or office except upon receipt of a properly approved requisition and unless there is an unencumbered appropriation balance sufficient to pay for them.

**§ 15.2-831. Same; director as purchasing agent.**

The director of finance shall act as purchasing agent for the county, unless the board designates some other officer or employee for such purpose. The director of finance or the person designated as purchasing agent shall make all purchases, subject to such exceptions as the board allows. He may transfer supplies, materials or equipment between departments and offices; sell any surplus supplies, materials or equipment; and make such other sales as the board authorizes. He may also, with the board's approval, (i) establish suitable specifications or standards for all supplies, materials and equipment to be purchased for the county; (ii) inspect all deliveries to determine their compliance with such specifications and standards; and (iii) sell supplies, materials and equipment to volunteer ~~rescue squads~~ *emergency medical services agencies* and ~~fire-fighting~~ *firefighting* companies at the same cost of such supplies, materials and equipment to the county. He shall have charge of such storerooms and warehouses of the county as the board provides.

All purchases shall be made in accordance with Chapter 43 (§ 2.2-4300 et seq.) of Title 2.2 and under such rules and regulations consistent with Chapter 43 of Title 2.2 as the board establishes by ordinance or resolution, which ordinance or resolution may, notwithstanding the provisions of § 15.2-830, provide for the use of a combination purchase order-check, which check may be made valid

for such maximum amount as the board may fix, not to exceed \$250. Subject to such exceptions as the board provides, before making any sale the director shall invite competitive bidding under such rules and regulations as the board establishes by ordinance or resolution. He shall not furnish any supplies, materials, equipment or contractual services to any department or office except upon receipt of a properly approved requisition and unless there is an unencumbered appropriation balance sufficient to pay for the supplies, materials, equipment or contractual services.

**§ 15.2-953. Donations to charitable institutions and associations, volunteer and nonprofit organizations, chambers of commerce, etc.**

A. Any locality may make appropriations of public funds, of personal property or of any real estate and donations to the Virginia Indigent Health Care Trust Fund and to any charitable institution or association, located within their respective limits or outside their limits if such institution or association provides services to residents of the locality; however, such institution or association shall not be controlled in whole or in part by any church or sectarian society. The words "sectarian society" shall not be construed to mean a nondenominational Young Men's Christian Association, a nondenominational Young Women's Christian Association, Habitat for Humanity, or the Salvation Army. Nothing in this section shall be construed to prohibit any county or city from making contracts with any sectarian institution for the care of indigent, sick or injured persons.

B. Any locality may make gifts and donations of property, real or personal, or money; to (i) any charitable institution or nonprofit or other organization; providing housing for persons 60 years of age or older; or operating a hospital or nursing home; (ii) any association or other organization furnishing voluntary fire-fighting firefighting services; (iii) any nonprofit lifesaving crew or lifesaving organization, or rescue squad or volunteer emergency medical services agency, within or outside the boundaries of the locality; (iv) any nonprofit recreational associations association or organizations organization; (v) any nonprofit organization providing recreational or daycare services to persons 65 years of age or older; or (vi) any nonprofit association or organization furnishing services to beautify and maintain communities and/or or to prevent neighborhood deterioration. Gifts or donations of property, real or personal, or money by any locality to any nonprofit association, recreational association, or organization described in provision (iv), (v), or (vi) may be made provided the nonprofit association, recreational association, or organization is not controlled in whole or in part by any church or sectarian society. Donations of property or money to any such charitable, nonprofit or other hospital or nursing home, institution or organization or nonprofit recreational associations or organizations may be made for construction purposes, for operating expenses, or both.

A locality may make like gifts and donations to chambers of commerce which are nonprofit and nonsectarian.

A locality may make like gifts, donations and appropriations of money to industrial development authorities for the purposes of promoting economic development.

A locality may make like gifts and donations to any and all public and private nonprofit organizations and agencies engaged in commemorating historical events.

A locality may make like gifts and donations to any nonprofit organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is engaged in providing energy efficiency services or promoting energy efficiency within or without the boundaries of the locality.

A locality may make like gifts and donations to any nonprofit organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is engaged in providing emergency relief to residents, including providing the repair or replacement of private property damaged or destroyed by a natural disaster.

A locality may make like gifts and donations to nonprofit foundations established to support the locality's public parks, libraries, and law enforcement. For the purposes of this paragraph, "donations" to any such foundation shall include the lawful provision of in-kind resources.

A locality may make monetary gifts, donations and appropriations of money to a state college or university which provides services to such locality's residents.

Public library materials that are discarded from their collections may be given to nonprofit organizations that support library functions, including, but not limited to, friends of the library, library advisory boards, library foundations, library trusts and library boards of trustees.

C. Any locality may make gifts and donations of personal property and may deliver such gifts and donations to another governmental entity in or outside of the Commonwealth within the United States.

D. Any locality may by ordinance provide for payment to any volunteer rescue squad emergency medical services agency that meets the required minimum standards for such volunteer rescue squads emergency medical services agency set forth in the ordinance; a sum for each rescue call the volunteer rescue squad emergency medical services agency makes for an automobile accident in which a person has been injured on any of the highways or streets in the locality. In addition, unless otherwise prohibited by law, any locality may make appropriations of money to volunteer fire companies or rescue



squads any volunteer emergency medical services agency in an amount sufficient to enroll any qualified member of such volunteer fire company or rescue squad emergency medical services agency in any program available within the locality intended to defray out-of-pocket expenses for emergency ambulance transportation by an emergency medical services vehicle.

E. For the purposes of this section, "donations" shall include the lawful provision of in-kind resources for any event sponsored by the donee.

F. Nothing in this section shall be construed to obligate any locality to appropriate funds to any entity. Such charitable contribution shall be voluntary.

**§ 15.2-954.1. Volunteer firefighter or volunteer emergency medical services personnel tuition reimbursement.**

Notwithstanding any other provision to the contrary, any locality may by ordinance establish and administer a tuition reimbursement program for eligible volunteer firefighters or volunteer emergency medical services personnel, or both, for the purposes of recruitment and retention.

**§ 15.2-955. Approval by local governing body for the establishment of volunteer emergency medical services agencies and firefighting organizations.**

A. No volunteer rescue squad, emergency medical service organization or other organization providing similar type services, services agency or volunteer fire-fighting firefighting organization shall be established in any locality on or after July 1, 1984, without the prior approval by resolution of the governing body.

B. Each locality shall seek to ensure that emergency medical services are maintained throughout the entire locality.

**§ 15.2-1512.2. Political activities of employees of localities, firefighters, emergency medical services personnel, and law-enforcement officers and certain other officers and employees.**

A. For the purposes of this section:

"Emergency medical technician services personnel" means any person who is employed within the fire department or public safety department of a locality whose primary responsibility is the provision of emergency medical care to the sick or injured, using either basic or advanced techniques. Emergency medical technicians services personnel may also provide fire protection services and assist in the enforcement of the fire prevention code.

"Firefighter" means any person who is employed within the fire department or public safety department of a locality whose primary responsibility is the prevention or extinguishment of fires, the protection of life and property, or the enforcement of local or state fire prevention codes or laws pertaining to the prevention or control of fires.

"Law-enforcement officer" means any person who is employed within the police department, bureau, or force of any locality, including the sheriff's department of any city or county, and who is authorized by law to make arrests.

"Locality" means counties, cities, towns, authorities, or special districts.

"Political campaign" means activities engaged in for the purpose of promoting a political issue, for influencing the outcome of an election for local or state office, or for influencing the outcome of a referendum or special election.

"Political candidate" means any person who has made known his or her intention to seek, or campaign for, local or state office in a general, primary, or special election.

"Political party" means any party, organization, or group having as its purpose the promotion of political candidates or political campaigns.

B. Notwithstanding any contrary provision of law, general or special, no locality shall prohibit an employee of the locality, including firefighters, emergency medical technicians services personnel, or law-enforcement officers within its employment, or deputies, appointees, and employees of local constitutional officers as defined in § 15.2-1600, from participating in political activities while these employees are off duty, out of uniform and not on the premises of their employment with the locality.

C. For purposes of this section, the term "political activities" includes, but is not limited to, voting; registering to vote; soliciting votes or endorsements on behalf of a political candidate or political campaign; expressing opinions, privately or publicly, on political subjects and candidates; displaying a political picture, sign, sticker, badge, or button; participating in the activities of, or contributing financially to, a political party, candidate, or campaign or an organization that supports a political candidate or campaign; attending or participating in a political convention, caucus, rally, or other political gathering; initiating, circulating, or signing a political petition; engaging in fund-raising activities for any political party, candidate, or campaign; acting as a recorder, watcher, challenger, or similar officer at the polls on behalf of a political party, candidate, or campaign; or becoming a political candidate.

D. Employees of a locality, including firefighters, emergency medical technicians services personnel, law-enforcement officers, and other employees specified in subsection B are prohibited from using their

official authority to coerce or attempt to coerce a subordinate employee to pay, lend, or contribute anything of value to a political party, candidate, or campaign, or to discriminate against any employee or applicant for employment because of that person's political affiliations or political activities, except as such affiliation or activity may be established by law as disqualification for employment.

E. Employees of a locality, including firefighters, emergency medical ~~technicians~~ *services personnel*, law-enforcement officers, and other employees specified in subsection B are prohibited from discriminating in the provision of public services, including but not limited to ~~fire fighting~~ *firefighting*, emergency medical, ~~or and~~ law-enforcement services, or responding to requests for such services, on the basis of the political affiliations or political activities of the person or organization for which such services are provided or requested.

F. Employees of a locality, including firefighters, emergency medical ~~technicians~~ *services personnel*, law-enforcement officers, and other employees specified in subsection B are prohibited from suggesting or implying that a locality has officially endorsed a political party, candidate, or campaign.

**§ 15.2-1714. Establishing police lines, perimeters, or barricades.**

Whenever fires, accidents, wrecks, explosions, crimes, riots, or other emergency situations where life, limb, or property may be endangered may cause persons to collect on the public streets, alleys, highways, parking lots, or other public area, the chief law-enforcement officer of any locality or that officer's authorized representative who is responsible for the security of the scene may establish such areas, zones, or perimeters by the placement of police lines or barricades as are reasonably necessary to (i) preserve the integrity of evidence at such scenes, (ii) notwithstanding the provisions of §§ 46.2-888 through 46.2-891, facilitate the movement of vehicular and pedestrian traffic into, out of, and around the scene, (iii) permit firefighters, police officers, and emergency *medical services personnel* to perform necessary operations unimpeded, and (iv) protect persons and property.

Any police line or barricade erected for these purposes shall be clearly identified by wording such as "Police Line - DO NOT CROSS" or other similar wording. If material or equipment is not available for identifying the prohibited area, then a verbal warning by identifiable law-enforcement officials positioned to indicate a location of a police line or barricade shall be given to any person or persons attempting to cross police lines or barricades without proper authorization.

Such scene may be secured no longer than is reasonably necessary to effect the above-described purposes. Nothing in this section shall limit or otherwise affect the authority of, or be construed to deny access to such scene by, any person charged by law with the responsibility of rendering assistance at or investigating any such fires, accidents, wrecks, explosions, crimes or riots.

Personnel from information services such as press, radio, and television, when gathering news, shall be exempt from the provisions of this section except that it shall be unlawful for such persons to obstruct the police, ~~firemen and rescue workers~~ *firefighters, or emergency medical services personnel* in the performance of their duties at such scene. Such personnel shall proceed at their own risk.

**§ 15.2-1716. Reimbursement of expenses incurred in responding to DUI and related incidents.**

A. Any locality may provide by ordinance that a person convicted of violating any of the following provisions shall, at the time of sentencing or in a separate civil action, be liable to the locality or to any responding volunteer fire ~~company or department or rescue squad~~ *volunteer emergency medical services agency*, or both, for restitution of reasonable expenses incurred by the locality for responding law enforcement, firefighting, ~~rescue~~ and emergency *medical services*, including those incurred by the sheriff's office of such locality, or by any volunteer fire or ~~rescue squad~~ *volunteer emergency medical services agency*, or by any combination of the foregoing, when providing an appropriate emergency response to any accident or incident related to such violation. The ordinance may further provide that a person convicted of violating any of the following provisions shall, at the time of sentencing or in a separate civil action, be liable to the locality or to any responding volunteer fire or ~~rescue squad~~ *volunteer emergency medical services agency*, or both, for restitution of reasonable expenses incurred by the locality when issuing any related arrest warrant or summons, including the expenses incurred by the sheriff's office of such locality, or by any volunteer fire or ~~rescue squad~~ *volunteer emergency medical services agency*, or by any combination of the foregoing:

1. The provisions of § 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-266.1, 29.1-738, 29.1-738.02, or 46.2-341.24, or a similar ordinance, when such operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of the accident or incident;

2. The provisions of Article 7 (§ 46.2-852 et seq.) of Chapter 8 of Title 46.2 relating to reckless driving, when such reckless driving is the proximate cause of the accident or incident;

3. The provisions of Article 1 (§ 46.2-300 et seq.) of Chapter 3 of Title 46.2 relating to driving without a license or driving with a suspended or revoked license; and

4. The provisions of § 46.2-894 relating to improperly leaving the scene of an accident.

B. Personal liability under this section for reasonable expenses of an appropriate emergency response pursuant to subsection A shall not exceed \$1,000 in the aggregate for a particular accident, arrest, or

incident occurring in such locality. In determining the "reasonable expenses," a locality may bill a flat fee of \$350 or a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes all costs of providing law-enforcement, firefighting, ~~rescue~~, and emergency medical services. The court may order as restitution the reasonable expenses incurred by the locality for responding law enforcement, firefighting, ~~rescue~~ and emergency medical services. The provisions of this section shall not preempt or limit any remedy available to the Commonwealth, to the locality, or to any volunteer ~~rescue squad~~ *emergency medical services agency* to recover the reasonable expenses of an emergency response to an accident or incident not involving impaired driving, operation of a vehicle, or other conduct as set forth herein.

**§ 15.2-1716.1. Reimbursement of expenses incurred in responding to terrorism hoax incident.**

Any locality may provide by ordinance that any person who is convicted of a violation of subsection B or C of § 18.2-46.6, when his violation of such section is the proximate cause of any incident resulting in an appropriate emergency response, shall be liable at the time of sentencing or in a separate civil action to the locality or to any volunteer ~~rescue squad~~ *emergency medical services agency*, or both, which may provide such emergency response for the reasonable expense thereof, in an amount not to exceed \$1,000 in the aggregate for a particular incident occurring in such locality. In determining the "reasonable expense," a locality may bill a flat fee of \$250 or a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes all costs of providing law-enforcement, ~~fire-fighting~~ *firefighting*, ~~rescue~~, and emergency medical services. The provisions of this section shall not preempt or limit any remedy available to the Commonwealth, to the locality, or to any volunteer ~~rescue squad~~ *emergency medical services agency* to recover the reasonable expenses of an emergency response to an incident not involving a terroristic hoax as set forth herein.

**§ 16.1-228. Definitions.**

When used in this chapter, unless the context otherwise requires:

"Abused or neglected child" means any child:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco parentis; or

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902.

If a civil proceeding under this chapter is based solely on the parent having left the child at a hospital or ~~rescue squad~~ *emergency medical services agency*, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended ~~rescue squad~~ *emergency medical services agency* that employs emergency medical ~~technicians~~ *services personnel*, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means the place of residence of any natural person in which a child resides as a member of the household and in which he has been placed for the purposes of adoption or in which he has been legally adopted by another member of the household.

"Adult" means a person 18 years of age or older.

"Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part of the same act or transaction as, or which constitutes a part of a common scheme or plan with, a

delinquent act which would be a felony if committed by an adult.

"Boot camp" means a short term secure or nonsecure juvenile residential facility with highly structured components including, but not limited to, military style drill and ceremony, physical labor, education and rigid discipline, and no less than six months of intensive aftercare.

"Child," "juvenile," or "minor" means a person less than 18 years of age.

"Child in need of services" means (i) a child whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of another person; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be a child in need of services, nor shall any child who habitually remains away from or habitually deserts or abandons his family as a result of what the court or the local child protective services unit determines to be incidents of physical, emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

However, to find that a child falls within these provisions, (i) the conduct complained of must present a clear and substantial danger to the child's life or health or to the life or health of another person, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child in need of supervision" means:

1. A child who, while subject to compulsory school attendance, is habitually and without justification absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of any and all educational services and programs that are required to be provided by law and which meet the child's particular educational needs, (ii) the school system from which the child is absent or other appropriate agency has made a reasonable effort to effect the child's regular attendance without success, and (iii) the school system has provided documentation that it has complied with the provisions of § 22.1-258; or

2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or placement authority, remains away from or deserts or abandons his family or lawful custodian on more than one occasion or escapes or remains away without proper authority from a residential care facility in which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to the child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child welfare agency" means a child-placing agency, child-caring institution or independent foster home as defined in § 63.2-100.

"The court" or the "juvenile court" or the "juvenile and domestic relations court" means the juvenile and domestic relations district court of each county or city.

"Delinquent act" means (i) an act designated a crime under the law of ~~this~~ the Commonwealth, or an ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but shall not include an act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, the term shall include a refusal to take a blood or breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city, or town.

"Delinquent child" means a child who has committed a delinquent act or an adult who has committed a delinquent act prior to his 18th birthday, except where the jurisdiction of the juvenile court has been terminated under the provisions of § 16.1-269.6.

"Department" means the Department of Juvenile Justice and "Director" means the administrative head in charge thereof or such of his assistants and subordinates as are designated by him to discharge the duties imposed upon him under this law.

"Family abuse" means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

"Family or household member" means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in

the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person.

"Foster care services" means the provision of a full range of casework, treatment and community services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or in need of services as defined in this section and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board of social services or a public agency designated by the community policy and management team and the parents or guardians where legal custody remains with the parents or guardians, (iii) has been committed or entrusted to a local board of social services or child welfare agency, or (iv) has been placed under the supervisory responsibility of the local board pursuant to § 16.1-293.

"Independent living arrangement" means placement of a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency and has been placed by the local board or licensed child-placing agency in a living arrangement in which he does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older and who has been committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who was in foster care on his 18th birthday and has not yet reached the age of 21 years. Such services shall include counseling, education, housing, employment, and money management skills development and access to essential documents and other appropriate services to help children or persons prepare for self-sufficiency.

"Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this chapter.

"Jail" or "other facility designed for the detention of adults" means a local or regional correctional facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the transfer of a child to a juvenile facility.

"The judge" means the judge or the substitute judge of the juvenile and domestic relations district court of each county or city.

"This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced in this chapter.

"Legal custody" means (i) a legal status created by court order which vests in a custodian the right to have physical custody of the child, to determine and redetermine where and with whom he shall live, the right and duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal status created by court order of joint custody as defined in § 20-107.2.

"Permanent foster care placement" means the place of residence in which a child resides and in which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation and agreement between the placing agency and the place of permanent foster care that the child shall remain in the placement until he reaches the age of majority unless modified by court order or unless removed pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term basis.

"Residual parental rights and responsibilities" means all rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including but not limited to the right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility for support.

"Secure facility" or "detention home" means a local, regional or state public or private locked residential facility that has construction fixtures designed to prevent escape and to restrict the movement and activities of children held in lawful custody.

"Shelter care" means the temporary care of children in physically unrestricting facilities.

"State Board" means the State Board of Juvenile Justice.

"Status offender" means a child who commits an act prohibited by law which would not be criminal if committed by an adult.

"Status offense" means an act prohibited by law which would not be an offense if committed by an adult.

1277 "Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of  
 1278 § 16.1-269.1 when committed by a juvenile 14 years of age or older.

1279 **§ 18.2-51.1. Malicious bodily injury to law-enforcement officers, firefighters, search and rescue**  
 1280 **personnel, or emergency medical services personnel; penalty; lesser-included offense.**

1281 If any person maliciously causes bodily injury to another by any means including the means set out  
 1282 in § 18.2-52, with intent to maim, disfigure, disable or kill, and knowing or having reason to know that  
 1283 such other person is a law-enforcement officer, as defined hereinafter, firefighter, as defined in  
 1284 § 65.2-102, search and rescue personnel as defined hereinafter, or emergency medical services personnel,  
 1285 as defined in § 32.1-111.1 engaged in the performance of his public duties as a law-enforcement officer,  
 1286 firefighter, search and rescue personnel, or emergency medical services personnel, such person ~~shall be~~  
 1287 *is* guilty of a felony punishable by imprisonment for a period of not less than five years nor more than  
 1288 30 years and, subject to subdivision (g) of § 18.2-10, a fine of not more than \$100,000. Upon  
 1289 conviction, the sentence of such person shall include a mandatory minimum term of imprisonment of  
 1290 two years.

1291 If any person unlawfully, but not maliciously, with the intent aforesaid, causes bodily injury to  
 1292 another by any means, knowing or having reason to know such other person is a law-enforcement  
 1293 officer, firefighter, as defined in § 65.2-102, search and rescue personnel, or emergency medical services  
 1294 personnel, engaged in the performance of his public duties as a law-enforcement officer, firefighter,  
 1295 search and rescue personnel, or emergency medical services personnel *as defined in § 32.1-111.1*, he  
 1296 ~~shall be~~ *is* guilty of a Class 6 felony, and upon conviction, the sentence of such person shall include a  
 1297 mandatory minimum term of imprisonment of one year.

1298 Nothing in this section shall be construed to affect the right of any person charged with a violation  
 1299 of this section from asserting and presenting evidence in support of any defenses to the charge that may  
 1300 be available under common law.

1301 As used in this section, "law-enforcement officer" means any full-time or part-time employee of a  
 1302 police department or sheriff's office that is part of or administered by the Commonwealth or any  
 1303 political subdivision thereof, who is responsible for the prevention or detection of crime and the  
 1304 enforcement of the penal, traffic, or highway laws of ~~this~~ *the* Commonwealth; any conservation officer  
 1305 of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; any  
 1306 conservation police officer appointed pursuant to § 29.1-200; and auxiliary police officers appointed or  
 1307 provided for pursuant to §§ 15.2-1731 and 15.2-1733 and auxiliary deputy sheriffs appointed pursuant to  
 1308 § 15.2-1603.

1309 As used in this section, "search and rescue personnel" means any employee or member of a search  
 1310 and rescue organization that is authorized by a resolution or ordinance duly adopted by the governing  
 1311 body of any county, city, or town of the Commonwealth or any member of a search and rescue  
 1312 organization operating under a memorandum of understanding with the Virginia Department of  
 1313 Emergency Management.

1314 The provisions of § 18.2-51 shall be deemed to provide a lesser-included offense hereof.

1315 **§ 18.2-121.2. Trespass by spotlight on agricultural land.**

1316 If any person shall willfully use a spotlight or similar lighting apparatus to cast a light upon private  
 1317 property used for livestock or crops without the written permission of the person in legal possession of  
 1318 such property, he shall be guilty of a Class 3 misdemeanor.

1319 The prohibition of this section shall not apply to light cast by (i) permanently installed outdoor  
 1320 lighting fixtures, (ii) headlamps on vehicles moving in normal travel on public or private roads, (iii)  
 1321 railroad locomotives or rolling stock being operated on the tracks or right-of-way of a railroad company,  
 1322 (iv) aircraft or watercraft, (v) apparatus used by employees of any public utility in maintaining the  
 1323 utility's lines and equipment, (vi) *emergency medical services vehicles used by emergency medical*  
 1324 *services personnel or fire* apparatus used by members of ~~rescue squads or fire departments~~ in the  
 1325 performance of their official duties, (vii) apparatus used by any law-enforcement officer in the  
 1326 performance of his official duties, or (viii) farm machinery or motor vehicles being used in normal  
 1327 farming operations.

1328 **§ 18.2-154. Shooting at or throwing missiles, etc., at train, car, vessel, etc.; penalty.**

1329 Any person who maliciously shoots at, or maliciously throws any missile at or against, any train or  
 1330 cars on any railroad or other transportation company or any vessel or other watercraft, or any motor  
 1331 vehicle or other vehicles when occupied by one or more persons, whereby the life of any person on  
 1332 such train, car, vessel, or other watercraft, or in such motor vehicle or other vehicle, may be put in peril,  
 1333 is guilty of a Class 4 felony. In the event of the death of any such person, resulting from such malicious  
 1334 shooting or throwing, the person so offending is guilty of murder in the second degree. However, if the  
 1335 homicide is willful, deliberate, and premeditated, he is guilty of murder in the first degree.

1336 If any such act is committed unlawfully, but not maliciously, the person so offending is guilty of a  
 1337 Class 6 felony and, in the event of the death of any such person, resulting from such unlawful act, the

person so offending is guilty of involuntary manslaughter.

If any person commits a violation of this section by maliciously or unlawfully shooting, with a firearm, at a conspicuously marked law-enforcement, fire, or rescue squad vehicle, ambulance or any other emergency medical services vehicle, the sentence imposed shall include a mandatory minimum term of imprisonment of one year to be served consecutively with any other sentence.

**§ 18.2-174.1. Impersonating certain public safety personnel; penalty.**

Any person who willfully impersonates, with the intent to make another believe he is, a certified an emergency medical services personnel provider, firefighter, special forest warden designated pursuant to § 10.1-1135, fire marshal, or fire chief is guilty of a Class 1 misdemeanor. A second or subsequent offense is punishable as a Class 6 felony.

**§ 18.2-212. Calling or summoning emergency medical services vehicle or firefighting apparatus without just cause; maliciously activating fire alarms in public buildings; venue.**

A. Any person who without just cause therefor, calls or summons, by telephone or otherwise, any ambulance, emergency medical services vehicle or fire-fighting firefighting apparatus, or any person who maliciously activates a manual or automatic fire alarm in any building used for public assembly or for other public use, including, but not limited to, schools, theaters, stores, office buildings, shopping centers and malls, coliseums, and arenas, regardless of whether an emergency medical services vehicle or fire apparatus responds or not, shall be deemed is guilty of a Class 1 misdemeanor.

B. A violation of this section may be prosecuted either in the jurisdiction from which the call or summons was made or in the jurisdiction where the call or summons was received.

**§ 18.2-340.16. Definitions.**

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

"Bingo" means a specific game of chance played with (i) individual cards having randomly numbered squares ranging from one to 75, (ii) Department-approved electronic devices that display facsimiles of bingo cards and are used for the purpose of marking and monitoring players' cards as numbers are called, or (iii) Department-approved cards, in which prizes are awarded on the basis of designated numbers on such cards conforming to a predetermined pattern of numbers selected at random.

"Board" means the Charitable Gaming Board created pursuant to § 2.2-2455.

"Bona fide member" means an individual who participates in activities of a qualified organization other than such organization's charitable gaming activities.

"Charitable gaming" or "charitable games" means those raffles and games of chance explicitly authorized by this article.

"Charitable gaming supplies" includes bingo cards or sheets, devices for selecting bingo numbers, instant bingo cards, pull-tab cards and seal cards, and any other equipment or product manufactured for or intended to be used in the conduct of charitable games. However, for the purposes of this article, charitable gaming supplies shall not include items incidental to the conduct of charitable gaming such as markers, wands, or tape.

"Commissioner" means the Commissioner of the Department of Agriculture and Consumer Services.

"Conduct" means the actions associated with the provision of a gaming operation during and immediately before or after the permitted activity, which may include, but not be limited to, (i) selling bingo cards or packs, electronic devices, instant bingo or pull-tab cards, or raffle tickets, (ii) calling bingo games, (iii) distributing prizes, and (iv) any other services provided by volunteer workers.

"Department" means the Department of Agriculture and Consumer Services.

"Fair market rental value" means the rent that a rental property will bring when offered for lease by a lessor who desires to lease the property but is not obligated to do so and leased by a lessee under no necessity of leasing.

"Gaming expenses" means prizes, supplies, costs of publicizing gaming activities, audit and administration or permit fees, and a portion of the rent, utilities, accounting and legal fees and such other reasonable and proper expenses as are directly incurred for the conduct of charitable gaming.

"Gross receipts" means the total amount of money generated by an organization from charitable gaming before the deduction of expenses, including prizes.

"Instant bingo," "pull tabs," or "seal cards" means specific games of chance played by the random selection of one or more individually prepacked cards, including Department-approved electronic versions thereof, with winners being determined by the preprinted or predetermined appearance of concealed letters, numbers or symbols that must be exposed by the player to determine wins and losses and may include the use of a seal card which conceals one or more numbers or symbols that have been designated in advance as prize winners. Such cards may be dispensed by electronic or mechanical equipment.

"Jackpot" means a bingo game that the organization has designated on its game program as a jackpot game in which the prize amount is greater than \$100.

"Landlord" means any person or his agent, firm, association, organization, partnership, or corporation,

1399 employee, or immediate family member thereof, which owns and leases, or leases any premises devoted  
 1400 in whole or in part to the conduct of bingo games, and any person residing in the same household as a  
 1401 landlord.

1402 "Management" means the provision of oversight of a gaming operation, which may include, but is  
 1403 not limited to, the responsibilities of applying for and maintaining a permit or authorization, compiling,  
 1404 submitting and maintaining required records and financial reports, and ensuring that all aspects of the  
 1405 operation are in compliance with all applicable statutes and regulations.

1406 "Network bingo" means a specific bingo game in which pari-mutuel play is permitted.

1407 "Network bingo provider" means a person licensed by the Department to operate network bingo.

1408 "Operation" means the activities associated with production of a charitable gaming activity, which  
 1409 may include, but not be limited to (i) the direct on-site supervision of the conduct of charitable gaming;  
 1410 (ii) coordination of volunteers; and (iii) all responsibilities of charitable gaming designated by the  
 1411 organization's management.

1412 "Organization" means any one of the following:

1413 1. A volunteer fire department or ~~rescue squad~~ *volunteer emergency medical services agency* or  
 1414 auxiliary unit thereof ~~which~~ *that* has been recognized in accordance with § 15.2-955 by an ordinance or  
 1415 resolution of the political subdivision where the volunteer fire department or ~~rescue squad~~ *volunteer*  
 1416 *emergency medical services agency* is located as being a part of the safety program of such political  
 1417 subdivision;

1418 2. An organization operated exclusively for religious, charitable, community or educational purposes;

1419 3. An athletic association or booster club or a band booster club established solely to raise funds for  
 1420 school-sponsored athletic or band activities for a public school or private school accredited pursuant to  
 1421 § 22.1-19 or to provide scholarships to students attending such school;

1422 4. An association of war veterans or auxiliary units thereof organized in the United States;

1423 5. A fraternal association or corporation operating under the lodge system;

1424 6. A local chamber of commerce; or

1425 7. Any other nonprofit organization that raises funds by conducting raffles that generate annual gross  
 1426 receipts of \$40,000 or less, provided such gross receipts from the raffle, less expenses and prizes, are  
 1427 used exclusively for charitable, educational, religious or community purposes.

1428 "Pari-mutuel play" means an integrated network operated by a licensee of the Department comprised  
 1429 of participating charitable organizations for the conduct of network bingo games in which the purchase  
 1430 of a network bingo card by a player automatically includes the player in a pool with all other players in  
 1431 the network, and where the prize to the winning player is awarded based on a percentage of the total  
 1432 amount of network bingo cards sold in a particular network.

1433 "Qualified organization" means any organization to which a valid permit has been issued by the  
 1434 Department to conduct charitable gaming or any organization that is exempt pursuant to § 18.2-340.23.

1435 "Raffle" means a lottery in which the prize is won by (i) a random drawing of the name or  
 1436 prearranged number of one or more persons purchasing chances or (ii) a random contest in which the  
 1437 winning name or preassigned number of one or more persons purchasing chances is determined by a  
 1438 race involving inanimate objects floating on a body of water, commonly referred to as a "duck race."

1439 "Reasonable and proper business expenses" means business expenses actually incurred by a qualified  
 1440 organization in the conduct of charitable gaming and not otherwise allowed under this article or under  
 1441 Board regulations on real estate and personal property tax payments, travel expenses, payments of  
 1442 utilities and trash collection services, legal and accounting fees, costs of business furniture, fixtures and  
 1443 office equipment and costs of acquisition, maintenance, repair or construction of an organization's real  
 1444 property. For the purpose of this definition, salaries and wages of employees whose primary  
 1445 responsibility is to provide services for the principal benefit of an organization's members shall not  
 1446 qualify as a business expense. However, payments made pursuant to § 51.1-1204 to the Volunteer  
 1447 Firefighters' and Rescue Squad Workers' Service Award Fund shall be deemed a reasonable and proper  
 1448 business expense.

1449 "Supplier" means any person who offers to sell, sells or otherwise provides charitable gaming  
 1450 supplies to any qualified organization.

1451 **§ 18.2-340.23. Organizations exempt from certain permits and fees.**

1452 A. No organization that reasonably expects, based on prior charitable gaming annual results or any  
 1453 other quantifiable method, to realize gross receipts of \$40,000 or less in any 12-month period shall be  
 1454 required to (i) notify the Department of its intention to conduct charitable gaming; or (ii) comply with  
 1455 Board regulations. If any organization's actual gross receipts for the 12-month period exceed \$40,000,  
 1456 the Department may require the organization to file by a specified date the report required by  
 1457 § 18.2-340.30.

1458 B. Any volunteer fire department or ~~rescue squad~~ *volunteer emergency medical services agency* or  
 1459 auxiliary unit thereof ~~which~~ *that* has been recognized in accordance with § 15.2-955 by an ordinance or



resolution of the political subdivision where the volunteer fire department or ~~rescue squad~~ *volunteer emergency medical services agency* is located as being part of the safety program of such political subdivision shall be exempt from the payment of application fees required by § 18.2-340.25 and the payment of audit fees required by § 18.2-340.31. Nothing in this subsection shall be construed as exempting volunteer fire departments and ~~rescue squads~~ *volunteer emergency medical services agencies* from any other provisions of this article or other Board regulations.

C. Nothing in this section shall prevent the Department from conducting any investigation or audit it deems appropriate to ensure an organization's compliance with the provisions of this article and, to the extent applicable, Board regulations.

**§ 18.2-340.34:1. Bingo managers and callers; remuneration; registration; qualification; suspension, revocation or refusal to renew certificate; exceptions.**

A. No person shall receive remuneration as a bingo manager or caller from any qualified organization unless and until such person has made application for and has been issued a registration certificate by the Department. Application for registration shall be made on forms prescribed by the Department and shall be accompanied by a fee in the amount of \$75. Each registration certificate shall remain valid for a period of one year from the date of issuance. Application for renewal of a registration certificate shall be accompanied by a fee in the amount of \$75 and shall be made on forms prescribed by the Department.

B. As a condition of registration as a bingo manager, the applicant shall (i) have been a bona fide member of the qualified organization for at least 12 consecutive months prior to making application for registration and (ii) be required to complete a reasonable training course developed and conducted by the Department.

As a condition of registration as a bingo caller, the applicant shall be required to complete a reasonable training course developed and conducted by the Department.

The Department may refuse to register any bingo manager or caller who has (a) been convicted of or pleaded nolo contendere to a felony in any state or federal court or has been convicted of any offense which, if committed in the Commonwealth, would be a felony; (b) been convicted of or pleaded nolo contendere to a crime involving gambling; (c) had any license, permit, certificate, or other authority related to activities defined as charitable gaming in the Commonwealth suspended or revoked in the Commonwealth or in any other jurisdiction; or (d) failed to file or has been delinquent in excess of one year in the filing of any tax returns or the payment of any taxes due the Commonwealth.

C. The Department may suspend, revoke, or refuse to renew the registration certificate of any bingo manager or caller for any conduct described in subsection B or for any violation of this article or regulations of the Board. Before taking any such action, the Department shall give the bingo manager or caller a written statement of the grounds upon which it proposes to take such action and an opportunity to be heard. Every hearing in a contested case shall be conducted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

D. The provisions of subsection A requiring registration for bingo callers with the Department shall not apply to a bingo caller for a volunteer fire department or ~~rescue squad~~ *volunteer emergency medical services agency* or auxiliary unit thereof that has been recognized in accordance with § 15.2-955 by an ordinance or resolution of the political subdivision where the volunteer fire department or ~~rescue squad~~ *volunteer emergency medical services agency* is located as being a part of the safety program of such political subdivision.

**§ 18.2-371. Causing or encouraging acts rendering children delinquent, abused, etc.; penalty; abandoned infant.**

Any person 18 years of age or older, including the parent of any child, who (i) willfully contributes to, encourages, or causes any act, omission, or condition that renders a child delinquent, in need of services, in need of supervision, or abused or neglected as defined in § 16.1-228 or (ii) engages in consensual sexual intercourse or anal intercourse with or performs cunnilingus, fellatio, or anilingus upon or by a child 15 or older not his spouse, child, or grandchild is guilty of a Class 1 misdemeanor. This section shall not be construed as repealing, modifying, or in any way affecting §§ 18.2-18, 18.2-19, 18.2-61, 18.2-63, and 18.2-347.

If the prosecution under this section is based solely on the accused parent having left the child at a hospital or ~~rescue squad~~ *emergency medical services agency*, it shall be an affirmative defense to prosecution of a parent under this section that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended ~~rescue squad~~ *emergency medical services agency* that employs emergency medical ~~technicians~~ *services personnel*, within the first 14 days of the child's life. In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably calculated to ensure the child's safety.

**§ 18.2-371.1. Abuse and neglect of children; penalty; abandoned infant.**

A. Any parent, guardian, or other person responsible for the care of a child under the age of 18 who

by willful act or omission or refusal to provide any necessary care for the child's health causes or permits serious injury to the life or health of such child ~~shall be~~ is guilty of a Class 4 felony. For purposes of this subsection, "serious injury" ~~shall include~~ includes but is not be limited to (i) disfigurement, (ii) a fracture, (iii) a severe burn or laceration, (iv) mutilation, (v) maiming, (vi) forced ingestion of dangerous substances, ~~or and~~ (vii) life-threatening internal injuries.

B. 1. Any parent, guardian, or other person responsible for the care of a child under the age of 18 whose willful act or omission in the care of such child was so gross, wanton, and culpable as to show a reckless disregard for human life ~~shall be~~ is guilty of a Class 6 felony.

2. If a prosecution under this subsection is based solely on the accused parent having left the child at a hospital or ~~rescue squad~~ emergency medical services agency, it shall be an affirmative defense to prosecution of a parent under this subsection that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended ~~rescue squad~~ emergency medical services agency that employs emergency medical ~~technicians~~ services personnel, within the first 14 days of the child's life. In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably calculated to ensure the child's safety.

C. Any parent, guardian, or other person having care, custody, or control of a minor child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall not, for that reason alone, be considered in violation of this section.

**§ 18.2-414.1. Obstructing emergency medical services agency personnel in performance of mission; penalty.**

Any person ~~or persons~~ who unreasonably or unnecessarily ~~obstruct a member or members of a rescue squad~~ obstructs the delivery of emergency medical services by emergency medical services agency personnel, whether governmental, private, or volunteer, in the performance of their rescue mission or who ~~shall fail~~ fails or ~~refuse~~ refuses to cease such obstruction or move on when requested to do so by a member of a rescue squad emergency medical services personnel going to or at the site of a rescue mission, shall be at which emergency medical services are required is guilty of a Class 2 misdemeanor.

**§ 18.2-426. "Emergency call" and "emergency personnel" defined.**

As used in this article:

"Emergency call" means a call to report a fire or summon police, or for ~~medical aid or ambulance service~~ emergency medical services, in a situation where human life or property is in jeopardy and the prompt summoning of aid is essential.

"Emergency personnel" means any persons, paid or volunteer, who receive calls for dispatch of police, fire, or emergency medical ~~service~~ services personnel, and includes law-enforcement officers, firefighters, including special forest wardens designated pursuant to § 10.1-1135, and emergency medical ~~service~~ services personnel.

**§ 18.2-429. Causing telephone or pager to ring with intent to annoy.**

A. Any person who, with or without intent to communicate but with intent to annoy any other person, causes any telephone or digital pager, not his own, to ring or to otherwise signal, and any person who permits or condones the use of any telephone under his control for such purpose, is guilty of a Class 3 misdemeanor. A second or subsequent conviction under this subsection is punishable as a Class 2 misdemeanor if such prior conviction occurred before the date of the offense charged.

B. Any person who, with or without intent to converse, but with intent to annoy, harass, hinder or delay emergency personnel in the performance of their duties as such, causes a telephone to ring, which is owned or leased for the purpose of receiving emergency calls by a public or private entity providing fire, police or emergency medical ~~service~~ services, and any person who knowingly permits the use of a telephone under his control for such purpose, is guilty of a Class 1 misdemeanor.

**§ 18.2-488.1. Flag at half mast for certain public safety personnel killed in the line of duty.**

A. As used in this section, unless the context requires a different meaning:

"Emergency medical services provider" means the same as that term is defined in § 32.1-111.1; and any member of a volunteer ~~lifesaving crew or rescue squad~~ emergency medical services agency.

"Firefighter" means the same as that term is defined in § 9.1-300, and any member of a volunteer fire department.

"Police officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth.

"Service member" means a member of the United States armed forces, Virginia National Guard, or Virginia Defense Force.

B. Whenever a service member, police officer, firefighter, or emergency medical services provider who is a resident of Virginia is killed in the line of duty, all flags, state and local, flown at any building

owned and operated by the Commonwealth shall be flown at half staff or mast for one day to honor and acknowledge respect for those who made the supreme sacrifice.

C. The Department of General Services shall develop procedures to effectuate the purposes of this section.

**§ 22.1-279.8. School safety audits and school crisis, emergency management, and medical emergency response plans required.**

A. For the purposes of this section, unless the context requires otherwise:

"School crisis, emergency management, and medical emergency response plan" means the essential procedures, operations, and assignments required to prevent, manage, and respond to a critical event or emergency, including natural disasters involving fire, flood, tornadoes, or other severe weather; loss or disruption of power, water, communications or shelter; bus or other accidents; medical emergencies, including cardiac arrest and other life-threatening medical emergencies; student or staff member deaths; explosions; bomb threats; gun, knife or other weapons threats; spills or exposures to hazardous substances; the presence of unauthorized persons or trespassers; the loss, disappearance or kidnapping of a student; hostage situations; violence on school property or at school activities; incidents involving acts of terrorism; and other incidents posing a serious threat of harm to students, personnel, or facilities. The plan shall include a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01. The Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those individuals determined to be victims, and the plan shall also contain current contact information for both agencies.

"School safety audit" means a written assessment of the safety conditions in each public school to (i) identify and, if necessary, develop solutions for physical safety concerns, including building security issues and (ii) identify and evaluate any patterns of student safety concerns occurring on school property or at school-sponsored events. Solutions and responses shall include recommendations for structural adjustments, changes in school safety procedures, and revisions to the school board's standards for student conduct.

B. The Virginia Center for School and Campus Safety, in consultation with the Department of Education, shall develop a list of items to be reviewed and evaluated in the school safety audits required by this section. Such items shall include those incidents reported to school authorities pursuant to § 22.1-279.3:1 and shall include a school inspection walk-through using a standardized checklist provided by the Virginia Center for School and Campus Safety, which shall incorporate crime prevention through environmental design principles.

The Virginia Center for School and Campus Safety shall prescribe a standardized report format for school safety audits, additional reporting criteria, and procedures for report submission, which may include instructions for electronic submission.

Each local school board shall require all schools under its supervisory control to annually conduct school safety audits as defined in this section and consistent with such list.

The results of such school safety audits shall be made public within 90 days of completion. The local school board shall retain authority to withhold or limit the release of any security plans, walk-through checklists, and specific vulnerability assessment components as provided in subdivision 7 of § 2.2-3705.2. The completed walk-through checklist shall be made available upon request to the chief law-enforcement officer of the locality or his designee. Each school shall maintain a copy of the school safety audit, which may exclude such security plans, walk-through checklists, and vulnerability assessment components, within the office of the school principal and shall make a copy of such report available for review upon written request.

Each school shall submit a copy of its school safety audit to the relevant school division superintendent. The division superintendent shall collate and submit all such school safety audits, in the prescribed format and manner of submission, to the Virginia Center for School and Campus Safety and shall make available upon request to the chief law-enforcement officer of the locality the results of such audits.

C. The division superintendent shall establish a school safety audit committee to include, if available, representatives of parents, teachers, local law-enforcement, emergency services agencies, local community services boards, and judicial and public safety personnel. The school safety audit committee shall review the completed school safety audits and submit any plans, as needed, for improving school safety to the division superintendent for submission to the local school board.

D. Each school board shall ensure that every school that it supervises shall develop a written school crisis, emergency management, and medical emergency response plan, consistent with the definition provided in this section, and shall provide copies of such plans to the chief law-enforcement officer, the fire chief, the chief of the emergency medical services official agency, and the emergency management

official of the locality. Each school division shall designate an emergency manager. The Department of Education and the Virginia Center for School and Campus Safety shall provide technical assistance to the school divisions of the Commonwealth in the development of the school crisis, emergency management, and medical emergency response plans that describe the components of a medical emergency response plan developed in coordination with local emergency medical services providers, the training of school personnel and students to respond to a life-threatening emergency, and the equipment required for this emergency response. The local school board shall annually review the written school crisis, emergency management, and medical emergency response plans. The local school board shall have the authority to withhold or limit the review of any security plans and specific vulnerability assessment components as provided in subdivision 7 of § 2.2-3705.2. The local school division superintendent shall certify this review in writing to the Virginia Center for School and Campus Safety no later than August 31 of each year.

Upon consultation with local school boards, division superintendents, the Virginia Center for School and Campus Safety, and the Coordinator of Emergency Management, the Board of Education shall develop, and may revise as it deems necessary, a model school crisis, emergency management, and medical emergency response plan for the purpose of assisting the public schools in Virginia in developing viable, effective crisis, emergency management, and medical emergency response plans. Such model shall set forth recommended effective procedures and means by which parents can contact the relevant school or school division regarding the location and safety of their school children and by which school officials may contact parents, with parental approval, during a critical event or emergency.

**§ 27-1. Firefighters and equipment may in emergencies go or be sent beyond territorial limits.**

Whenever the necessity arises during any actual or potential emergency resulting from fire, personal injury, or other public disaster, the ~~fire fighters or emergency medical technicians~~ *firefighters* of any county, city, or town may, together with all necessary equipment, lawfully go or be sent beyond the territorial limits of such county, city, or town to any point within or without the Commonwealth, to assist in meeting such emergency.

In such event, the acts performed for such purpose by such ~~fire fighters or emergency medical technicians~~ *firefighters* and the expenditures made for such purpose by such county, city, or town, shall be deemed conclusively to be for a public and governmental purpose and all of the immunities from liability enjoyed by a county, city, or town when acting through its ~~fire fighters or emergency medical technicians~~ *firefighters* for a public or governmental purpose within its territorial limits shall be enjoyed by it to the same extent when such county, city, or town is so acting, under this section or under other lawful authority, beyond its territorial limits.

The ~~fire fighters or emergency medical technicians~~ *firefighters* of any county, city, or town, when acting hereunder, or under other lawful authority, beyond the territorial limits of such county, city, or town, shall have all the immunities from liability and exemptions from laws, ordinances, and regulations, and shall have all of the pension, relief, disability, workers' compensation, and other benefits, enjoyed by them while performing their respective duties.

**§ 27-2. Contracts of cities or towns to furnish fire protection.**

The governing body of any city or town may, in its discretion, authorize or require the fire department ~~or emergency medical services department~~ or division thereof to render aid in cases of actual or potential fire ~~or medical emergency~~ occurring beyond their limits, and may prescribe the conditions on which such aid may be rendered, and may enter into a contract, or contracts, with nearby, adjacent or adjoining counties and cities, within or without the Commonwealth, including the District of Columbia, for rendering aid in fire protection ~~or in emergency medical response~~ in such counties, cities, or any district, or sanitary district thereof or in the District of Columbia, on such terms as may be agreed upon by such governing body and the governing body of the District of Columbia or of such counties or cities ~~and/or or district, including sanitary districts~~; provided, that each of the parties to such agreement may contract as follows: (1) (i) waive any and all claims against all the other parties thereto which may arise out of their activities outside their respective jurisdictions under such agreement; (2) (ii) indemnify and save harmless the other parties to such agreement from all claims by third parties for property damage or personal injury ~~which that~~ may arise out of the activities of the other parties to such agreement outside their respective jurisdictions under such agreement. When the fire department ~~or emergency medical services department~~ or division of any city or town is operating under such permission or contract, or contracts, on any call beyond the corporate limits of the city or town, it shall be deemed to be operating in a governmental capacity, and subject only to such liability for injuries as it would be if it were operating within the corporate limits of such city or town.

**§ 27-2.1. Contracts for fire protection for federal and state property.**

Any county, city, or town may contract with the federal or state ~~governments~~ *government* to provide fire ~~or emergency medical~~ service to federal or state property located within or without the boundaries of the county, city, or town.

In the absence of a written contract, any acts performed and all expenditures made by a county, city, or town in providing fire protection ~~or emergency medical services~~ to property owned by the federal government shall be deemed conclusively to be for a public and governmental purpose and all of the immunities from liability enjoyed by a county, city, or town when acting through its ~~fire fighters or emergency medical technicians~~ *firefighters* for a public or governmental purpose within or without its territorial limits shall be enjoyed by it to the same extent when such county, city, or town is so acting, under the provisions of this section, or under other lawful authority.

The ~~fire fighters or emergency medical technicians~~ *firefighters* of any county, city, or town when acting hereunder, or under other lawful authority, shall have all of the immunities from liability and exemptions from laws, ordinances, and regulations, and shall have all of the pension, relief, disability, workers' compensation, and other benefits enjoyed by them while performing their respective duties.

The amount of compensation to the county, city, or town pursuant to the contract shall be a matter within the sole discretion of the governing body of the county, city, or town.

**§ 27-3. Contract of county with city or another county for fire protection.**

The governing body of any county adjoining or near any city, town, or county, within or without the Commonwealth, including the District of Columbia, having and maintaining ~~fire-fighting or emergency medical services~~ *firefighting* equipment may contract with any such city, town, or county, upon such terms as such governing body may deem proper, for fighting fires ~~or responding to medical emergencies~~ in such county, town, or city and may prescribe the terms and conditions upon which such services may be provided on privately owned property in the county, town, or city and may raise funds with which to pay for such services, by levying and collecting annually, at such rates as such governing body may deem sufficient, a special tax upon the property in such county, or in any magisterial district thereof, subject to local taxation.

**§ 27-4. Contract of county, city, or town to furnish fire protection.**

Any county, city, or town ~~which that~~ operates ~~fire-fighting~~ *firefighting* equipment as provided for in § 27-15.2 and any county, city, or town mentioned in § ~~27-23.6~~ 27-6.02 may contract with counties, cities, or towns in, adjacent to, or near such county, city, or town, including the District of Columbia, for fire protection ~~or emergency medical services~~ in the manner provided for in § 27-2.

**§ 27-6.01. Definitions.**

*For the purposes of this chapter, unless the context requires a different meaning:*

*"Fire company" means a volunteer firefighting organization organized pursuant to § 27-8 in any county, city, or town of the Commonwealth for the purpose of fighting fires.*

*"Fire department" means a firefighting organization established as a department of government of any county, city, or town pursuant to § 27-6.1.*

**§ 27-6.02. Provision of firefighting services.**

A. Any county, city, or town may provide firefighting services to its citizens by (i) establishing a fire department as a department of government pursuant to § 27-6.1 or (ii) contracting with or providing for the provision of firefighting services by a fire company established pursuant to § 27-8.

B. In cases in which a county, city, or town elects to contract with or provide for the provision of firefighting services by a fire company pursuant to clause (ii) of subsection A, the fire company shall be deemed to be an instrumentality of the county, city, or town and, as such, exempt from suit for damages done incident to fighting fires therein. The county, city, or town may elect to provide for the matters authorized in §§ 27-4 and 27-39.

As used in this section, "provide firefighting services" includes travel while performing fire, rescue, or other emergency operations in emergency vehicles or fire apparatus as described in §§ 46.2-920 and 46.2-1023, respectively.

**§ 27-6.1. Establishment of fire department; chief, officers, and employees.**

The governing body of any ~~city, town or~~ county, city, or town may establish a fire department as a department of government ~~a fire/EMS department~~ and may designate it by any name consistent with the names of its other governmental units. The head of such fire department shall be known as "the chief" ~~or "the director."~~ As many other officers and employees may be employed in such ~~fire/EMS~~ fire department as the governing body may approve.

**§ 27-7. Bylaws of fire department; compensation of officers and employees; information on check stubs, time cards, etc.**

The governing body of any ~~city, town or~~ county, city, or town may empower the ~~fire/EMS~~ fire department therein to make bylaws to promote its objects consistent with the laws of ~~this the~~ Commonwealth and ordinances of the ~~city, town or~~ county, city, or town and may provide for the compensation of the officers and employees of such department.

All check stubs or time cards purporting to be a record of time spent on the job by a ~~fire fighter or emergency medical services personnel~~ *firefighter* shall record all hours of employment, regardless of how spent. All check stubs or pay records purporting to show the hourly compensation of a ~~fire fighter~~

or emergency medical services personnel firefighter shall show the actual hourly wage to be paid. Nothing in this section shall require the showing of such information on check stubs, time cards, or pay records; however, if such information ~~shall be~~ *is* shown, the information shall be in compliance with this section.

**§ 27-8. Who may form a fire company; limit on number of persons in combined companies.**

Any number of persons, not less than ~~twenty~~ 20, may form themselves into a company for extinguishing fires ~~or for performing emergency medical services, or both.~~ In any county in which two or more companies for extinguishing fires ~~or for performing emergency medical services~~ shall join together and singly use one ~~fire/EMS~~ fire station, the number of persons in the combined companies shall be not less than ~~twenty~~ 20. The ~~minimum number of persons required by this section shall only~~ apply to the formation of a fire company.

**§ 27-9. Organization of fire company.**

A writing stating the formation of ~~such a~~ fire company, with the names of the members thereof thereto subscribed, shall be recorded in the court of the city or the court of the county wherein such fire company is: ~~After located, after which,~~ the members of the fire company may make regulations for effecting its objects consistent with the laws of the Commonwealth, the ordinances of the ~~city, town or~~ county, *city, or town* and the bylaws of the ~~fire/EMS~~ fire department thereof. The principal officer of such fire company shall be known as "the chief."

**§ 27-10. Dissolution of fire company.**

Whenever the ~~fire/EMS~~ fire department of the ~~city, town, or~~ county, *city, or town* to which any ~~fire/EMS~~ fire company belongs ~~shall ascertain~~ *ascertains* that such company has failed, for three months successively, to consist of ~~twenty~~ 20 effective members in the case of a fire company, or ~~ascertain~~ *ascertains* that it has failed for the like period to have or keep in good and serviceable condition, an engine, hose, ~~emergency medical services vehicle~~ and equipment and other proper implements, or the governing body of the county, city, or town for any reason deems it advisable, such governing body may dissolve the fire company.

**§ 27-11. Duty of members on alarm of fire or call of a medical emergency.**

Every member of the fire company shall, upon any alarm of fire or call of a medical emergency, attend according to the ordinances of the ~~city, town or~~ county, *city, or town*, or the bylaws, rules, or regulations of the ~~fire/EMS~~ fire department or the fire company's regulations, and endeavor to extinguish such fire or assist in the medical emergency.

**§ 27-13. Appointment of chief and other officers.**

In every ~~city, town or~~ county, *city, or town* in which ~~there is any such a~~ fire company *is established*, there shall be appointed, at such time and in such manner as the governing body of such ~~city, town or~~ county, *city, or town* may prescribe, a chief ~~or director~~ and as many other officers as such governing body may direct.

**§ 27-14. Ordinances as to fire departments and fire companies.**

A. ~~Such~~ The governing body of any county, city, or town in which a fire department or fire company is established may make such ordinances in relation to the powers and duties of ~~fire/EMS departments,~~ *such fire departments or fire companies,* and chiefs ~~or directors~~ and other officers of such ~~fire departments or fire companies,~~ as it may deem proper, including billing property owners on behalf of volunteer fire departments as provided in § 38.2-2130.

B. The ordinances shall not require a minor who achieved certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs, on or before January 1, 2006, between the ages of 15 and 16, to repeat the certification after his sixteenth birthday.

**§ 27-15.1. Authority of chief or other officer in charge when answering alarm; penalty for refusal to obey orders.**

While any ~~fire/EMS~~ fire department or ~~fire/EMS~~ fire company is in the process of answering an alarm ~~or operating at an emergency incident~~ where there is imminent danger or the actual occurrence of fire or explosion or the uncontrolled release of hazardous materials ~~which that~~ threaten life or property and returning to the station, the chief, ~~director,~~ or other officer in charge of such ~~fire/EMS~~ fire department or fire company at that time shall have the authority to: (i) maintain order at such emergency incident or its vicinity; (ii) direct the actions of the ~~fire fighters or emergency medical services personnel~~ *firefighters* at the incident; (iii) notwithstanding the provisions of §§ 46.2-888 through 46.2-891, keep bystanders or other persons at a safe distance from the incident and emergency equipment; (iv) facilitate the speedy movement and operation of emergency equipment and ~~fire fighters or emergency medical services personnel~~ *firefighters*; (v) cause an investigation to be made into the origin and cause of the incident; and (vi) until the arrival of a police officer, direct and control traffic in person or by deputy and facilitate the movement of traffic. The fire chief, ~~director,~~ or other officer in charge shall display his ~~fire fighter's or emergency medical services personnel's~~ *firefighter's* badge, or

other proper means of identification. Notwithstanding any other provision of law, this authority shall extend to the activation of traffic control signals designed to facilitate the safe egress and ingress of emergency equipment at a fire/EMS fire station. Any person or persons refusing to obey the orders of the chief, director, or his deputies or other officer in charge at that time shall be is guilty of a Class 4 misdemeanor. The chief, director, or other officer in charge shall have the power to make arrests for violation of the provisions of this section. The authority granted under the provisions of this section may not be exercised to inhibit or obstruct members of law-enforcement agencies or rescue squads emergency medical services agencies from performing their normal duties when operating at such emergency incident, nor to conflict with or diminish the lawful authority, duties, and responsibilities of forest wardens, including but not limited to the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1. Personnel from the news media, such as the press, radio, and television, when gathering the news may enter at their own risk into the incident area only when the officer in charge has deemed the area safe and only into those areas of the incident that do not, in the opinion of the officer in charge, interfere with the fire/EMS fire department or fire fighters fire company, firefighters, or emergency medical services personnel dealing with such emergencies, in which case the chief or other officer in charge may order such person from the scene of the emergency incident.

**§ 27-15.1:1. Penalty for refusing or neglecting to obey order of chief or other officer in command.**

If any person at a fire refuses or neglects to obey any order duly given by the chief or other officer in command, he shall be fined a civil penalty not to exceed \$100.

**§ 27-15.2. Purchase, maintenance, etc., of equipment; donated equipment.**

A. The governing body of every city, town or county, city, and town shall have power to provide for the purchase, operation, manning staffing, and maintenance of suitable equipment for fighting fires firefighting or performing emergency medical services in or upon the property of the city, town or county, city, or town and of its inhabitants, and to prescribe the terms and conditions upon which the same will be used for fighting fires or performing emergency medical services in or upon privately owned property. All equipment purchased after October 1, 1970, shall be equipped with threads of USA Standard B2.3, B2.4 of the American Standards Association.

B. Any fire/EMS fire department of a city, town, or county, city, or town, or any fire/EMS fire company donating equipment for fighting fires or performing emergency medical services to any fire/EMS fire department or any fire/EMS fire company, which equipment met existing engineering and safety standards at the time of its purchase by the donating entity, shall be immune from civil liability unless the donating entity acted with gross negligence or willful misconduct.

C. A safety inspection must shall be completed by a certified emergency vehicle service center and a report designating any deficiencies shall be provided prior to the change in ownership of the donated emergency vehicle.

**§ 27-17. Entry of buildings on fire and premises adjoining.**

The chief of any fire/EMS fire department, or fire company or other authorized officer in command at a fire or medical emergency, and his subordinates, upon his order or direction, shall have the right at any time of the day or night to enter any building or upon any premises where a fire or medical emergency is in progress, or any building or premises adjacent thereto for the purpose of extinguishing the fire or performing emergency medical services.

**§ 27-17.1. Remaining on premises after fire extinguished.**

The chief or other authorized officer of any fire/EMS fire department or fire/EMS fire company in command at a fire or medical emergency, and his subordinates upon his order or direction, shall have the right to remain at the scene of fire or medical emergency, including remaining in any building or house, for purposes of protecting the property and preventing the public from entry into the premises, until such reasonable time as the owner may resume responsibility for the protection of the property.

**§ 27-20. Destruction of property to prevent spread of fire.**

The chief, director, or other officer commanding in his absence, may direct the pulling down or destroying of any fence, house, or other thing which he may judge necessary to be pulled down or destroyed, to prevent the further spreading of a fire, and for this purpose may require such assistance from all present as he shall judge necessary.

**§ 27-21. Owner may recover amount of actual damage.**

The owner of such property destroyed pursuant to § 27-20 shall be entitled to recover from the city, town or county, city, or town the amount of the actual damage which that he may have sustained by reason of the same having been pulled down or destroyed under such direction.

**§ 27-23.1. Establishment of fire zones or districts; tax levies.**

The governing bodies of the several cities or counties of this the Commonwealth may create and establish, by designation on a map of the city or county showing current, official parcel boundaries, or by any other description which is legally sufficient for the conveyance of property or the creation of parcels, fire/EMS fire zones or districts in such cities or counties, within which may be located and

1887 established one or more ~~fire/EMS~~ *fire* departments, to be equipped with apparatus for fighting fires and  
 1888 protecting property and human life within such zones or districts from loss or damage by fire, illness or  
 1889 injury.

1890 In the event of the creation of such zones or districts in any city or county, the city or county  
 1891 governing body may acquire, in the name of the city or county, real or personal property to be devoted  
 1892 to the uses aforesaid, and shall prescribe rules and regulations for the proper management, control, and  
 1893 conduct thereof. Such governing body shall also have authority to contract with, or secure the services  
 1894 of, any individual corporation, organization, or municipal corporation, or any volunteer ~~fire fighters or~~  
 1895 ~~emergency medical services personnel~~ *firefighters* for such fire ~~or emergency medical services~~ protection  
 1896 as may be required.

1897 To raise funds for the purposes aforesaid, the governing body of any city or county in which such  
 1898 zones or districts are established may levy annually a tax on the assessed value of all property real and  
 1899 personal within such zones or districts, subject to local taxation, which tax shall be extended and  
 1900 collected as other city or county taxes are extended and collected. However, any property located in  
 1901 Augusta County that has qualified for an agricultural or forestal use-value assessment pursuant to Article  
 1902 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1 may not be included within such a zone or district  
 1903 and may not be subject to such tax. In any city or county having a population between 25,000 and  
 1904 25,500, the maximum rate of tax under this section shall be \$0.30 on \$100 of assessed value.

1905 The amount realized from such levy shall be kept separate from all other moneys of the city or  
 1906 county and shall be applied to no other purpose than the maintenance and operation of the ~~fire/EMS~~ *fire*  
 1907 departments and companies established under the provisions of this section.

1908 **§ 27-23.2. Advances by city or county to fire zone or district.**

1909 The governing body of any city or county in ~~this~~ *the* Commonwealth may advance funds, not  
 1910 otherwise specifically allocated or obligated, from the general fund to a ~~fire/EMS~~ *fire zone or district* to  
 1911 assist the ~~fire zone or district~~ to exercise the powers set forth in § 27-23.1.

1912 **§ 27-23.3. Reimbursement for advances.**

1913 Notwithstanding the provisions of any other law, the governing body shall direct the treasurer to  
 1914 reimburse the general fund of the city or county from the proceeds of any funds to the credit of the  
 1915 ~~fire/EMS~~ *fire zone or district*, not otherwise specifically allocated or obligated to the extent that the city  
 1916 or county has made advances to the ~~fire/EMS~~ *fire zone or district* from such general fund to assist the  
 1917 ~~zone or district~~ to exercise the powers set forth in § 27-23.1.

1918 **§ 27-23.4. Validation of prior advances.**

1919 The advancement of any funds heretofore advanced from the general fund by the governing body of  
 1920 any city or county in this Commonwealth for the benefit of a ~~fire/EMS~~ *fire zone or district* in exercising  
 1921 the lawful powers of such ~~fire/EMS~~ *fire zone or district* is hereby validated and confirmed.

1922 **§ 27-23.5. Exclusion of certain areas from fire zones or districts and exemption of such areas**  
 1923 **from certain levies.**

1924 The governing body of any city or county having a ~~fire/EMS~~ *fire zone or district* created under the  
 1925 provisions of § 27-23.1, prior to June 1 of any calendar year, may alter the boundaries of such ~~fire/EMS~~  
 1926 ~~fire zone or district~~ for the purpose of excluding an area of any such ~~fire/EMS~~ *fire zone or district*  
 1927 ~~which~~ *that* is also within the boundaries of a sanitary district providing fire protection ~~or emergency~~  
 1928 ~~medical services~~ or under contract to a sanitary district providing fire protection ~~or emergency medical~~  
 1929 ~~services~~.

1930 Any area excluded from a ~~fire/EMS~~ *fire zone or district* as provided by this section shall not be  
 1931 subject to the levy set forth in § 27-23.1 for the year such area is excluded.

1932 **§ 27-23.9. Supervision and control of joint services of fire companies or departments.**

1933 Whenever two or more ~~fire/EMS~~ *fire* companies or *fire* departments are called to provide joint  
 1934 services in any district or political subdivision, the commander of the first company *or department* to  
 1935 arrive shall have general supervision and control of all such participating companies and departments  
 1936 until an officer of such district or political subdivision who is otherwise authorized by law to do so ~~shall~~  
 1937 ~~assume~~ *assumes* such general supervision and control.

1938 **§ 29.1-355. Disposition of funds.**

1939 All moneys received from the sale of the special stamps shall be paid into the local treasury to the  
 1940 credit of a special damage stamp fund and identified by the year in which the moneys were collected.  
 1941 The special fund shall be used for the following purposes:

1942 1. Payment for damages to crops, fruit trees, commercially grown Christmas trees, nursery stock,  
 1943 livestock, colonies of bees, bee equipment and appliances, as defined in § 3.2-4400, or farm equipment  
 1944 that is caused by deer, elk, or bear at any time, or by big game hunters during hunting season; and

1945 2. Payment of the actual and necessary costs of the administration of the provisions of this article,  
 1946 including the printing and distribution of the required stamps and the payment of reasonable fees to  
 1947 persons designated by a local governing body to inspect, evaluate, and confirm reported claims and



adjust such claims; and

3. In the discretion of the local governing body, payment of the costs of law enforcement directly related to and incidental to carrying out the provisions of this article and the general game laws of the Commonwealth; any person compensated to engage in such law-enforcement activities shall be approved for such employment by the director and appointed to be a special conservation police officer in accordance with the Board's standards and policies governing such appointment; and

4. In the discretion of the local governing body, administrative expenses related to the special stamps, support of a county volunteer fire prevention and suppression program when the program includes ~~fire fighting~~ *firefighting* on big game hunting lands open to the public, and support of local volunteer ~~rescue squads~~ *emergency medical services agencies* whose services are available to hunters in distress. However, the money appropriated from the special damage stamp fund for these purposes shall not exceed, in the aggregate, in any calendar year, an amount equal to 25 percent of the amount paid into the special damage stamp fund during the fiscal year or previous calendar year. Once selecting the fiscal year or previous calendar year, the local governing body must continue to use that selected period of time in determining the amount of money to be appropriated from the special damage stamp fund.

**§ 29.1-530.4. Duty of certain entities to report hunting incidents.**

Any law-enforcement agency or emergency medical ~~service~~ *services* provider that receives a report that a person engaged in hunting as defined in § 29.1-100 has suffered serious bodily injury or death; shall immediately give notice of the incident to the Department of Game and Inland Fisheries.

**§ 29.1-702. Registration requirements; display of numbers; cancellation of certificate; exemption.**

A. 1. The owner of each motorboat requiring numbering by the Commonwealth shall file an application for a number with the Department on forms approved by it. The owner of the motorboat or the owner's agent shall sign the application and pay the following boat registration fee:

- a. For a motorboat under 16 feet, \$18;
- b. For a motorboat 16 feet to less than 20 feet, \$22;
- c. For a motorboat 20 feet to less than 40 feet, \$28;
- d. For a motorboat 40 feet and over, \$36.

2. Owners, other than manufacturers or dealers, of more than 10 motorboats numbered by the Commonwealth, shall pay \$18 each for the first 10 such boats and \$12 for each additional boat.

3. Upon receipt of the application in approved form, the Department shall have the application entered upon the records of its office and issue to the applicant a certificate of number stating the identification number awarded to the motorboat and the name, address and a social security number or numbers, or federal tax identification number of the owner or owners. Any certificate issued in accordance with this chapter shall expire three years from the last day of the month in which it was issued. Upon proper application and payment of fee, and in the discretion of the Director, the certificate may be renewed.

B. The owner shall paint on or attach to each side of the bow of the motorboat the identification number in the manner prescribed by rules and regulations of the Board. The number shall be maintained in legible condition. The certificate of number shall be pocket-size and shall be available for inspection on the motorboat for which issued whenever such motorboat is in operation. However, the certificate of number for any vessel less than 26 feet in length, and leased or rented to another for the lessee's noncommercial use for less than 24 hours, may be retained on shore by the vessel's owner or his representative at the place at which the vessel departs and returns to the possession of the owner or his representative, provided the vessel is appropriately identified as to its owner while in use under such lease or rental.

C. No number other than the number awarded to a motorboat or granted reciprocity pursuant to this chapter shall be displayed on either side of the bow of the motorboat.

D. The Department is authorized to cancel and recall any certificate of number issued by the Department when it appears proper payment has not been made for the certificate of number or when the certificate has been improperly or erroneously issued.

E. Any motorboat purchased and used by a nonprofit volunteer ~~rescue squad~~ *emergency medical services agency* or volunteer fire department shall be exempt from the registration fees imposed by subsection A of this section.

**§ 29.1-733.7. Application for certificate of title.**

A. Except as otherwise provided in § 29.1-733.10, 29.1-733.15, 29.1-733.19, 29.1-733.20, 29.1-733.21, or 29.1-733.22, only an owner may apply for a certificate of title.

B. An application for a certificate of title shall be signed by the applicant and contain:

- 1. The applicant's name, the street address of the applicant's principal residence, and, if different, the applicant's mailing address;
- 2. The name and mailing address of each other owner of the watercraft at the time of application;

2009 3. The motor vehicle driver's license number, social security number, or taxpayer identification  
2010 number of each owner;

2011 4. The hull identification number for the watercraft or, if none, an application for the issuance of a  
2012 hull identification number for the watercraft;

2013 5. If numbering is required pursuant to § 29.1-703, the registration number for the watercraft or, if  
2014 none has been issued by the Department, an application for a registration number pursuant to  
2015 § 29.1-702;

2016 6. A description of the watercraft as required by the Department, which shall include:  
2017 a. The official number for the watercraft, if any, assigned by the U.S. Coast Guard;  
2018 b. The name of the manufacturer, builder, or maker;  
2019 c. The model year or the year in which the manufacture or build of the watercraft was completed;  
2020 d. The overall length of the watercraft;  
2021 e. The watercraft type;  
2022 f. The hull material;  
2023 g. The propulsion type;  
2024 h. The engine drive type, if any;  
2025 i. The motor identification, including manufacturer's name and serial number, except on motors of 25  
2026 horsepower or less; and  
2027 j. The fuel type, if any;

2028 7. An indication of all security interests in the watercraft known to the applicant and the name and  
2029 mailing address of each secured party;

2030 8. A statement that the watercraft is not a documented vessel or a foreign-documented vessel;

2031 9. Any title brand known to the applicant and, if known, the jurisdiction under whose law the title  
2032 brand was created;

2033 10. If the applicant knows that the watercraft is hull damaged, a statement that the watercraft is hull  
2034 damaged;

2035 11. If the application is made in connection with a transfer of ownership, the transferor's name, street  
2036 address and, if different, mailing address, the sales price, if any, and the date of the transfer; and  
2037 12. If the watercraft previously was registered or titled in another jurisdiction, a statement identifying  
2038 each jurisdiction known to the applicant in which the watercraft was registered or titled.

2039 C. In addition to the information required by subsection B, an application for a certificate of title  
2040 may contain an electronic communication address of the owner, transferor, or secured party.

2041 D. Except as otherwise provided in § 29.1-733.19, 29.1-733.20, 29.1-733.21, or 29.1-733.22, an  
2042 application for a certificate of title shall be accompanied by:

2043 1. A certificate of title that is signed by the owner shown on the certificate and that:  
2044 a. Identifies the applicant as the owner of the watercraft; or  
2045 b. Is accompanied by a record that identifies the applicant as the owner; or  
2046 2. If there is no certificate of title:  
2047 a. If the watercraft was a documented vessel, a record issued by the U.S. Coast Guard that shows  
2048 that the watercraft is no longer a documented vessel and identifies the applicant as the owner;  
2049 b. If the watercraft was a foreign-documented vessel, a record issued by the foreign country that  
2050 shows that the watercraft is no longer a foreign-documented vessel and identifies the applicant as the  
2051 owner; or  
2052 c. In all other cases, a certificate of origin, bill of sale, or other record that to the satisfaction of the  
2053 Department identifies the applicant as the owner. Issuance of registration under the provisions of  
2054 § 29.1-702 is prima facie evidence of ownership of a watercraft and entitlement to a certificate of title  
2055 under the provisions of this article.

2056 E. A record submitted in connection with an application is part of the application. The Department  
2057 shall maintain the record in its files.

2058 F. The Department shall require that an application for a certificate of title be accompanied by  
2059 payment or evidence of payment of all fees and taxes payable by the applicant under law of the  
2060 Commonwealth other than this article in connection with the application or the acquisition or use of the  
2061 watercraft. The Department shall charge \$7 for issue of each certificate of title, transfer of title, or for  
2062 the recording of a supplemental lien. The Department shall charge \$2 for the issuance of each duplicate  
2063 title or for changes to a previously issued certificate of title that are made necessary by a change of the  
2064 motor on the watercraft. Any watercraft purchased and used by a nonprofit volunteer ~~rescue~~ *rescue squad*  
2065 *emergency medical services agency* shall be exempt from the fees imposed under this section.

2066 G. The application shall be on forms prescribed and furnished by the Department and shall contain  
2067 any other information required by the Director.

2068 H. Whenever any person, after applying for or obtaining the certificate of title of a watercraft, moves  
2069 from the address shown in the application or upon the certificate of title, he shall, within 30 days, notify

the Department in writing of his change of address. A fee of \$7 shall be imposed upon anyone failing to comply with this subsection within the time prescribed.

**§ 32.1-45.1. Deemed consent to testing and release of test results related to infection with human immunodeficiency virus or hepatitis B or C viruses.**

A. Whenever any health care provider, or any person employed by or under the direction and control of a health care provider, is directly exposed to body fluids of a patient in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the patient whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such patient shall also be deemed to have consented to the release of such test results to the person who was exposed. In other than emergency situations, it shall be the responsibility of the health care provider to inform patients of this provision prior to providing them with health care services which create a risk of such exposure.

B. Whenever any patient is directly exposed to body fluids of a health care provider, or of any person employed by or under the direction and control of a health care provider, in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the patient who was exposed.

C. For the purposes of this section, "health care provider" means any person, facility or agency licensed or certified to provide care or treatment by the Department of Health, Department of Behavioral Health and Developmental Services, Department of Rehabilitative Services, or the Department of Social Services, any person licensed or certified by a health regulatory board within the Department of Health Professions except for the Boards of Funeral Directors and Embalmers and Veterinary Medicine or any personal care agency contracting with the Department of Medical Assistance Services.

D. "Health care provider," as defined in subsection C of this section, shall be deemed to include any person who renders emergency care or assistance, without compensation and in good faith, at the scene of an accident, fire, or any life-threatening emergency, or while en route therefrom to any hospital, medical clinic or doctor's office during the period while rendering such emergency care or assistance. The Department of Health shall provide appropriate counseling and opportunity for face-to-face disclosure of any test results to any such person.

E. Whenever any law-enforcement officer, salaried or volunteer firefighter, ~~paramedic or salaried or volunteer emergency medical technician services provider~~ is directly exposed to body fluids of a person in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the person who was exposed.

F. Whenever a person is directly exposed to the body fluids of a law-enforcement officer, salaried or volunteer firefighter, ~~paramedic or salaried or volunteer emergency medical technician services provider~~ in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. The law-enforcement officer, salaried or volunteer firefighter, ~~paramedic or salaried or volunteer emergency medical technician services provider~~ shall also be deemed to have consented to the release of such test results to the person who was exposed.

G. For the purposes of this section, "law-enforcement officer" means a person who is both (i) engaged in his public duty at the time of such exposure and (ii) employed by any sheriff's office, any adult or youth correctional facility, or any state or local law-enforcement agency, or any agency or department under the direction and control of the Commonwealth or any local governing body that employs persons who have law-enforcement authority.

H. Whenever any school board employee is directly exposed to body fluids of any person in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the school board employee who was exposed. In other than emergency situations, it shall be the responsibility of the school board employee to inform the person of this provision prior to the contact that creates a risk of such exposure.

I. Whenever any person is directly exposed to the body fluids of a school board employee in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the school board employee whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. The school board employee shall also be deemed to have consented to the release of such test results to the person.

J. For the purposes of this section, "school board employee" means a person who is both (i) acting in the course of employment at the time of such exposure and (ii) employed by any local school board in the Commonwealth.

K. For purposes of this section, if the person whose blood specimen is sought for testing is a minor, and that minor refuses to provide such specimen, consent for obtaining such specimen shall be obtained from the parent, guardian, or person standing in loco parentis of such minor prior to initiating such testing. If the parent or guardian or person standing in loco parentis withholds such consent, or is not reasonably available, the person potentially exposed to the human immunodeficiency virus or hepatitis B or C viruses, or the employer of such person, may petition the juvenile and domestic relations district court in the county or city where the minor resides or resided, or, in the case of a nonresident, the county or city where the health care provider, law-enforcement agency or school board has its principal office or, in the case of a health care provider rendering emergency care pursuant to subsection D, the county or city where the exposure occurred, for an order requiring the minor to provide a blood specimen or to submit to testing and to disclose the test results in accordance with this section.

L. Except as provided in subsection K, if the person whose blood specimen is sought for testing refuses to provide such specimen, any person potentially exposed to the human immunodeficiency virus or hepatitis B or C viruses, or the employer of such person, may petition the general district court of the county or city in which the person whose specimen is sought resides or resided, or, in the case of a nonresident, the county or city where the health care provider, law-enforcement agency or school board has its principal office or, in the case of a health care provider rendering emergency care pursuant to subsection D, the county or city where the exposure occurred, for an order requiring the person to provide a blood specimen or to submit to testing and to disclose the test results in accordance with this section. At any hearing before the court, the person whose specimen is sought or his counsel may appear. The court shall be advised by the Commissioner or his designee prior to entering any testing order. If a testing order is issued, both the petitioner and the person from whom the blood specimen is sought shall receive counseling and opportunity for face-to-face disclosure of any test results by a licensed practitioner or trained counselor.

#### **§ 32.1-46.02. Administration of influenza vaccine to minors.**

The Board shall, together with the Board of Nursing and by August 31, 2009, develop and issue guidelines for the administration of influenza vaccine to minors by licensed pharmacists, registered nurses, licensed practical nurses, ~~certified emergency medical technicians-intermediate~~, or emergency medical technicians-paramedic services providers who hold an emergency medical technician intermediate or emergency medical technician paramedic certification issued by the Commissioner pursuant to § 54.1-3408. Such guidelines shall require the consent of the minor's parent, guardian, or person standing in loco parentis, and shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention.

#### **§ 32.1-111.1. Definitions.**

As used in this article:

"Advisory Board" means the State Emergency Medical Services Advisory Board.

"Agency" means any person engaged in the business, service or regular activity, whether or not for profit, of transporting persons who are sick, injured, wounded or otherwise incapacitated or helpless, or of rendering immediate medical care to such persons.

"Ambulance" means any vehicle, vessel or aircraft, which holds a valid permit issued by the Office of Emergency Medical Services, that is specially constructed, equipped, maintained and operated, and is intended to be used for emergency medical care and the transportation of patients who are sick, injured, wounded, or otherwise incapacitated or helpless. The word "ambulance" may not appear on any vehicle, vessel or aircraft that does not hold a valid permit.

"Automated external defibrillator" means a medical device which combines a heart monitor and defibrillator and (i) has been approved by the United States Food and Drug Administration, (ii) is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia, (iii) is capable of determining, without intervention by an operator, whether defibrillation should be performed, and (iv) automatically charges and requests delivery of an electrical impulse to an individual's heart, upon determining that defibrillation should be performed.

"Emergency medical services" or "EMS" means health care, public health, and public safety services used in the medical response to the real or perceived need for immediate medical assessment, care, or

transportation and preventive care or transportation in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

"Emergency medical services agency" or "EMS agency" means any person engaged in the business, service, or regular activity, whether for profit or not, of rendering immediate medical care and providing transportation to persons who are sick, injured, wounded, or otherwise incapacitated or helpless and that holds a valid license as an emergency medical services agency issued by the Commissioner in accordance with § 32.1-111.6.

"Emergency medical services personnel" or "EMS personnel" means persons responsible for the direct provision of emergency medical services in a given medical emergency including all persons who could be described as attendants, attendants-in-charge, or operators individuals who are employed by or members of an emergency medical services agency and who provide emergency medical services pursuant to an emergency medical services agency license issued to that agency by the Commissioner and in accordance with the authorization of that agency's operational medical director.

"Emergency medical services physician" or "EMS physician" means a physician who holds a current endorsement from the Office of Emergency Medical Services (EMS) and may serve as an EMS agency operational medical director or training program physician course director.

"Emergency medical services provider" or "EMS provider" means a any person who holds a valid certification certificate as an emergency medical services provider issued by the Office of Emergency Medical Services Commissioner.

"Emergency medical services system" or "EMS system" means the system of emergency medical services agencies, vehicles, equipment, and personnel; health care facilities; other health care and emergency services providers; and other components engaged in the planning, coordination, and delivery of emergency medical services in the Commonwealth, including individuals and facilities providing communication and other services necessary to facilitate the delivery of emergency medical services in the Commonwealth.

"Emergency medical services vehicle" means any vehicle, vessel, or aircraft; or ambulance that holds a valid emergency medical services vehicle permit issued by the Office of Emergency Medical Services that is equipped, maintained, or operated to provide emergency medical care or transportation of patients who are sick, injured, wounded, or otherwise incapacitated or helpless.

"Office of Emergency Medical Services" means the Office of Emergency Medical Services of the Department.

"Operational medical director" or "OMD" means an EMS physician, currently licensed to practice medicine or osteopathic medicine in the Commonwealth, who is formally recognized and responsible for providing medical direction, oversight, and quality improvement to an EMS agency.

#### **§ 32.1-111.2. Exemptions from provisions of this article.**

The following entities are exempted from the provisions of this article:

1. Emergency medical ~~service~~ *services* agencies based outside the Commonwealth, except that any such agency receiving a person who is sick, injured, wounded, incapacitated, or helpless within the Commonwealth for transportation to a location within the Commonwealth shall comply with the provisions of this article;

2. Emergency medical ~~service~~ *services* agencies operated by the United States government; and

3. Wheelchair interfacility transport services and wheelchair interfacility transport service vehicles that are engaged, whether or not for profit, in the business, service, or regular activity of and exclusively used for transporting wheelchair bound passengers between medical facilities in the Commonwealth when no ancillary medical care or oversight is necessary. However, such services and vehicles shall comply with Department of Medical Assistance Services regulations regarding the transportation of Medicaid recipients to covered services.

#### **§ 32.1-111.3. Statewide Emergency Medical Services Plan; Trauma Triage Plan; Stroke Triage Plan.**

A. The Board of Health shall develop a *Statewide Emergency Medical Services Plan* that shall provide for a comprehensive, coordinated, emergency medical ~~care~~ *services* system in the Commonwealth and prepare a *Statewide Emergency Medical Services Plan* which shall incorporate, but not be limited to, the plans prepared by the regional emergency medical services councils. The Board shall review, update, and publish the Plan triennially, making such revisions as may be necessary to improve the effectiveness and efficiency of the Commonwealth's emergency medical ~~care~~ *services* system. The Plan shall incorporate the regional emergency medical services plans prepared by the regional emergency medical services councils pursuant to § 32.1-111.4:2. Publishing through electronic means and posting on the Department website shall satisfy the publication requirement. The objectives of such Plan and the *emergency medical services* system shall include, but not be limited to, the following:

1. Establishing a comprehensive statewide emergency medical ~~care~~ *services* system, incorporating

2253 facilities, transportation, manpower, communications, and other components as integral parts of a unified  
 2254 system that will serve to improve the delivery of emergency medical services and thereby decrease  
 2255 morbidity, hospitalization, disability, and mortality;

2256 2. Reducing the time period between the identification of an acutely ill or injured patient and the  
 2257 definitive treatment;

2258 3. Increasing the accessibility of high quality emergency medical services to all citizens of Virginia;

2259 4. Promoting continuing improvement in system components including ground, water, and air  
 2260 transportation; communications; hospital emergency departments and other emergency medical care  
 2261 facilities; *health care provider training and health care service delivery; and* consumer health  
 2262 information and education; ~~and health manpower and manpower training;~~

2263 5. Ensuring performance improvement of the ~~Emergency Medical Services~~ *emergency medical*  
 2264 *services* system and emergency medical *services and* care delivered on scene, in transit, in hospital  
 2265 emergency departments, and within the hospital environment;

2266 6. Working with professional medical organizations, hospitals, and other public and private agencies  
 2267 in developing approaches whereby the many persons who are presently using the existing emergency  
 2268 department for routine, nonurgent, primary medical care will be served more appropriately and  
 2269 economically;

2270 7. Conducting, promoting, and encouraging programs of education and training designed to upgrade  
 2271 the knowledge and skills of ~~health manpower involved in~~ emergency medical services *personnel*,  
 2272 including expanding the availability of paramedic and advanced life support training throughout the  
 2273 Commonwealth with particular emphasis on regions underserved by *emergency medical services*  
 2274 personnel having such skills and training;

2275 8. Consulting with and reviewing, with agencies and organizations, the development of applications  
 2276 to governmental or other sources for grants or other funding to support emergency medical services  
 2277 programs;

2278 9. Establishing a statewide air medical evacuation system which shall be developed by the  
 2279 Department of Health in coordination with the Department of State Police and other appropriate state  
 2280 agencies;

2281 10. Establishing and maintaining a process for designation of appropriate hospitals as trauma centers  
 2282 and specialty care centers based on an applicable national evaluation system;

2283 11. Maintaining a comprehensive emergency medical services patient care data collection and  
 2284 performance improvement system pursuant to Article 3.1 (§ 32.1-116.1 et seq.);

2285 12. Collecting data and information and preparing reports for the sole purpose of the designation and  
 2286 verification of trauma centers and other specialty care centers pursuant to this section. All data and  
 2287 information collected shall remain confidential and shall be exempt from the provisions of the Virginia  
 2288 Freedom of Information Act (§ 2.2-3700 et seq.);

2289 13. Establishing and maintaining a process for crisis intervention and peer support services for  
 2290 emergency medical services *personnel* and public safety personnel, including statewide availability and  
 2291 accreditation of critical incident stress management teams;

2292 14. Establishing a statewide *program* of emergency medical services for children ~~program~~ to provide  
 2293 coordination and support for emergency pediatric care, availability of pediatric emergency medical care  
 2294 equipment, and pediatric training of ~~medical~~ *health* care providers;

2295 15. Establishing and supporting a statewide system of health and medical emergency response teams,  
 2296 including emergency medical services disaster task forces, coordination teams, disaster medical  
 2297 assistance teams, and other support teams that shall assist local emergency medical services *agencies* at  
 2298 their request during mass casualty, disaster, or whenever local resources are overwhelmed;

2299 16. Establishing and maintaining a program to improve dispatching of emergency medical services  
 2300 *personnel and vehicles*, including establishment of and support for emergency medical *services* dispatch  
 2301 training, accreditation of 911 dispatch centers, and public safety answering points;

2302 17. Identifying and establishing best practices for managing and operating *emergency medical*  
 2303 *services* agencies, improving and managing emergency medical *services* response times, and  
 2304 disseminating such information to the appropriate persons and entities;

2305 18. Ensuring that the Department of Criminal Justice Services and the Virginia Criminal Injuries  
 2306 Compensation Fund shall be contacted immediately to deploy assistance in the event there are victims as  
 2307 defined in § 19.2-11.01, and that the Department of Criminal Justice Services and the Virginia Criminal  
 2308 Injuries Compensation Fund become the lead coordinating agencies for those individuals determined to  
 2309 be victims; and

2310 19. Maintaining current contact information for both the Department of Criminal Justice Services and  
 2311 the Virginia Criminal Injuries Compensation Fund.

2312 B. The Board of Health shall also develop and maintain as a component of the Emergency Medical  
 2313 Services Plan a statewide prehospital and interhospital Trauma Triage Plan designed to promote rapid

access for pediatric and adult trauma patients to appropriate, organized trauma care through the publication and regular updating of information on resources for trauma care and generally accepted criteria for trauma triage and appropriate transfer. The Trauma Triage Plan shall include:

1. A strategy for maintaining the statewide Trauma Triage Plan through ~~formal development of~~ regional trauma triage plans that ~~incorporate each~~ *take into account the* region's geographic variations and trauma care capabilities and resources, including hospitals designated as trauma centers pursuant to subsection A *and inclusion of such regional plans in the statewide Trauma Triage Plan*. The regional trauma triage plans shall be reviewed triennially. Plans should ensure that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event there are victims as defined in § 19.2-11.01, and that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund become the lead coordinating agencies for those individuals determined to be victims; and maintain current contact information for both the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund.

2. A uniform set of proposed criteria for prehospital and interhospital triage and transport of trauma patients developed by the ~~Emergency Medical Services~~ Advisory Board, in consultation with the Virginia Chapter of the American College of Surgeons, the Virginia College of Emergency Physicians, the Virginia Hospital and Healthcare Association, and prehospital care providers. The ~~Emergency Medical Services~~ Advisory Board may revise such criteria from time to time to incorporate accepted changes in medical practice or to respond to needs indicated by analyses of data on patient outcomes. Such criteria shall be used as a guide and resource for health care providers and are not intended to establish, in and of themselves, standards of care or to abrogate the requirements of § 8.01-581.20. A decision by a health care provider to deviate from the criteria shall not constitute negligence per se.

3. A performance improvement program for monitoring the quality of ~~care~~ *emergency medical services and trauma services*, consistent with other components of the Emergency Medical Services Plan. The program shall provide for collection and analysis of data on emergency medical and trauma services from existing validated sources, including ~~but not limited to~~ the emergency medical services patient care information system, pursuant to Article 3.1 (§ 32.1-116.1 et seq.), the Patient Level Data System, and mortality data. The ~~Emergency Medical Services~~ Advisory Board shall review and analyze such data on a quarterly basis and report its findings to the Commissioner. The ~~Emergency Medical Services~~ Advisory Board may execute these duties through a committee composed of persons having expertise in critical care issues and representatives of emergency medical services providers. The program for monitoring and reporting the results of emergency medical *services* and trauma services data analysis shall be the sole means of encouraging and promoting compliance with the trauma triage criteria.

The Commissioner shall report aggregate findings of the analysis annually to each regional emergency medical services council. The report shall be available to the public and shall identify, minimally, as defined in the statewide plan, the frequency of (i) incorrect triage in comparison to the total number of trauma patients delivered to a hospital prior to pronouncement of death and (ii) incorrect interfacility transfer for each region.

The ~~Emergency Medical Services~~ Advisory Board or its designee shall ensure that each hospital ~~director~~ or emergency medical services ~~director~~ *agency chief* is informed of any incorrect interfacility transfer or triage, as defined in the statewide ~~plan~~ *Trauma Triage Plan*, specific to the ~~provider hospital or agency~~ and shall give the ~~provider hospital or agency~~ an opportunity to correct any facts on which such determination is based, if the ~~provider hospital or agency~~ asserts that such facts are inaccurate. The findings of the report shall be used to improve the Trauma Triage Plan, including triage, and transport and trauma center designation criteria.

The Commissioner shall ensure the confidentiality of patient information, in accordance with § 32.1-116.2. Such data or information in the possession of or transmitted to the Commissioner, the ~~Emergency Medical Services~~ Advisory Board, any committee acting on behalf of the ~~Emergency Medical Services~~ Advisory Board, any hospital or prehospital care provider, any regional emergency medical services council, ~~licensed~~ emergency medical services agency *that holds a valid license issued by the Commissioner*, or group or committee established to monitor the quality of ~~care~~ *emergency medical services or trauma services* pursuant to this subdivision, or any other person shall be privileged and shall not be disclosed or obtained by legal discovery proceedings, unless a circuit court, after a hearing and for good cause shown arising from extraordinary circumstances, orders disclosure of such data.

C. The Board of ~~Health~~ shall also develop and maintain as a component of the *Statewide* Emergency Medical Services Plan a statewide prehospital and interhospital Stroke Triage Plan designed to promote rapid access for stroke patients to appropriate, organized stroke care through the publication and regular updating of information on resources for stroke care and generally accepted criteria for stroke triage and

2375 appropriate transfer. The Stroke Triage Plan shall include:

2376 1. A strategy for maintaining the statewide Stroke Triage Plan through ~~formal development of~~  
 2377 regional stroke triage plans that ~~incorporate each~~ *take into account the* region's geographic variations and  
 2378 stroke care capabilities and resources, including hospitals designated as "primary stroke centers" through  
 2379 certification by the Joint Commission or a comparable process consistent with the recommendations of  
 2380 the Brain Attack Coalition, *and inclusion of such regional plans in the statewide Stroke Triage Plan.*  
 2381 The regional stroke triage plans shall be reviewed triennially.

2382 2. A uniform set of proposed criteria for prehospital and interhospital triage and transport of stroke  
 2383 patients developed by the ~~Emergency Medical Services~~ Advisory Board, in consultation with the  
 2384 American Stroke Association, the Virginia College of Emergency Physicians, the Virginia Hospital and  
 2385 Healthcare Association, and prehospital care providers. The Board of ~~Health~~ may revise such criteria  
 2386 from time to time to incorporate accepted changes in medical practice or to respond to needs indicated  
 2387 by analyses of data on patient outcomes. Such criteria shall be used as a guide and resource for health  
 2388 care providers and are not intended to establish, in and of themselves, standards of care or to abrogate  
 2389 the requirements of § 8.01-581.20. A decision by a health care provider to deviate from the criteria shall  
 2390 not constitute negligence per se.

2391 D. Whenever any state-owned aircraft, vehicle, or other form of conveyance is utilized under the  
 2392 provisions of this section, an appropriate amount not to exceed the actual costs of operation may be  
 2393 charged by the agency having administrative control of such aircraft, vehicle, or other form of  
 2394 conveyance.

2395 **§ 32.1-111.4. Regulations; emergency medical services personnel and vehicles; response times;**  
 2396 **enforcement provisions; civil penalties.**

2397 A. The State Board of ~~Health~~ shall prescribe by regulation:

2398 1. Requirements for ~~record keeping~~ *recordkeeping*, supplies, operating procedures, and other  
 2399 *emergency medical services* agency operations;

2400 2. Requirements for the sanitation and maintenance of emergency medical services vehicles and their  
 2401 medical supplies and equipment;

2402 3. Procedures, including the requirements for forms, to authorize qualified emergency medical  
 2403 services personnel to follow Do Not Resuscitate Orders pursuant to § 54.1-2987.1;

2404 4. Requirements for the composition, administration, duties, and responsibilities of the ~~State~~  
 2405 ~~Emergency Medical Services~~ Advisory Board;

2406 5. Requirements, developed in consultation with the ~~Emergency Medical Services~~ Advisory Board,  
 2407 governing the training, certification, and recertification of emergency medical services personnel;

2408 6. Requirements for written notification to the ~~State Emergency Medical Services~~ Advisory Board,  
 2409 the ~~State~~ Office of Emergency Medical Services, and the Financial Assistance and Review Committee of  
 2410 the Board's action, and the reasons therefor, on requests and recommendations of the Advisory Board,  
 2411 the ~~State~~ Office of Emergency Medical Services, or the *Financial Assistance and Review* Committee, no  
 2412 later than five ~~workdays~~ *business days* after reaching its decision, specifying whether the Board has  
 2413 approved, denied, or not acted on such requests and recommendations;

2414 7. Authorization procedures, developed in consultation with the ~~Emergency Medical Services~~  
 2415 ~~Advisory Board~~, ~~which~~ *that* allow the possession and administration of epinephrine or a medically  
 2416 accepted equivalent for emergency cases of anaphylactic shock by certain levels of certified emergency  
 2417 medical services personnel as authorized by § 54.1-3408 and authorization procedures that allow the  
 2418 possession and administration of oxygen with the authority of the local *operational* medical director and  
 2419 a ~~licensed~~ *an* emergency medical services agency *that holds a valid license issued by the Commissioner;*

2420 8. A uniform definition of "response time" and requirements, developed in consultation with the  
 2421 ~~Emergency Medical Services~~ Advisory Board, for each *emergency medical services* agency to measure  
 2422 response times starting from the time a call for emergency medical ~~care~~ *services* is received until ~~(i)~~ the  
 2423 time ~~an~~ *(i)* appropriate emergency medical ~~response unit~~ *is services personnel are* responding and *(ii)*  
 2424 the appropriate emergency medical ~~response unit arrives~~ *services personnel arrive* on the scene, and  
 2425 requirements for *emergency medical services* agencies to collect and report such data to the Director of  
 2426 the Office of Emergency Medical Services, who shall compile such information and make it available to  
 2427 the public, upon request; and

2428 9. Enforcement provisions, including, but not limited to, civil penalties that the Commissioner may  
 2429 assess against any *emergency medical services* agency or other entity found to be in violation of any of  
 2430 the provisions of this article or any regulation promulgated under this article. All amounts paid as civil  
 2431 penalties for violations of this article or regulations promulgated pursuant thereto shall be paid into the  
 2432 state treasury and shall be deposited in the emergency medical services special fund established pursuant  
 2433 to § 46.2-694, to be used only for emergency medical services purposes.

2434 B. The Board shall classify *emergency medical services* agencies and emergency medical services  
 2435 vehicles by type of service rendered and shall specify the medical equipment, the supplies, the vehicle



specifications, and the *emergency medical services* personnel required for each classification.

C. In formulating its regulations, the Board shall consider the current Minimal Equipment List for Ambulances adopted by the Committee on Trauma of the American College of Surgeons.

**§ 32.1-111.4:1. State Emergency Medical Services Advisory Board; purpose; membership; duties; reimbursement of expenses; staff support.**

A. There is hereby created in the executive branch the State Emergency Medical Services Advisory Board for the purpose of advising the Board concerning the administration of the statewide emergency medical services system and emergency medical services vehicles maintained and operated to provide transportation to persons requiring emergency medical treatment and for reviewing and making recommendations on the Statewide Emergency Medical Services Plan. The Advisory Board shall be composed of 28 members appointed by the Governor as follows: one representative each from the Virginia Municipal League, Virginia Association of Counties, Virginia Hospital and Healthcare Association, and each of the 11 regional emergency medical services councils; one member each from the Medical Society of Virginia, Virginia Chapter of the American College of Emergency Physicians, Virginia Chapter of the American College of Surgeons, Virginia Chapter of the American Academy of Pediatrics, Emergency Nurses Association or the Virginia Nurses' Association, Virginia State Firefighters Association, Virginia Fire Chiefs Association, Virginia Ambulance Association, Virginia Association of Governmental Emergency Medical Services Administrators, and Virginia Association of Public Safety Communications Officials; two representatives of the Virginia Association of Volunteer Rescue Squads, Inc.; one Virginia professional firefighter; and one consumer who shall not be involved in or affiliated with emergency medical services in any capacity. Each organization and group shall submit three nominees from among which the Governor may make appointments. Of the three nominees submitted by each of the regional emergency medical services councils, at least one nominee shall be a representative of providers of prehospital care. Any person appointed to the Advisory Board shall be a member of the organization that he represents. To ensure diversity in the organizations and groups represented on the Advisory Board, the Governor may request additional nominees from the applicable organizations and groups. However, the Governor shall not be bound to make any appointment from among any nominees recommended by such organizations and groups.

The members of the Advisory Board shall not be eligible to receive compensation; however, the Department shall provide funding for the reimbursement of expenses incurred by members of the Advisory Board in the performance of their duties.

B. Appointments shall be staggered as follows: nine members for a term of two years, nine members for a term of three years, and 10 members for a term of four years. Thereafter, appointments shall be for terms of three years, except an appointment to fill a vacancy, which shall be for the unexpired term. Appointments shall be in a manner to preserve insofar as possible the representation of the specified groups. No member shall serve more than two successive terms. No person representing any organization or group named in subsection A who has served as a member of the Advisory Board for two or more successive terms for any period or for six or more consecutive years shall be nominated for appointment or appointed to the Advisory Board unless at least three consecutive years have elapsed since the person has served on the Advisory Board.

The chairman shall be elected from the membership of the Advisory Board for a term of one year and shall be eligible for reelection. The Advisory Board shall meet at least four times annually at the call of the chairman or the Commissioner.

C. The Advisory Board shall:

1. Advise the Board on the administration of this article;
2. Review and make recommendations for the Statewide Emergency Medical Services Plan and any revisions thereto; and

3. Review, on a schedule as it may determine, reports on the status of all aspects of the statewide emergency medical services system, including the Financial Assistance and Review Committee, the Rescue Squad Assistance Fund, the regional emergency medical services councils, and the emergency medical services vehicles, submitted by the Office of Emergency Medical Services.

D. The Advisory Board shall establish an Advisory Board Executive Committee to assist in the work of the Advisory Board. The Advisory Board Executive Committee shall, in addition to those duties of the Advisory Board Executive Committee established by the Advisory Board, review the annual financial report of the Virginia Association of Volunteer Rescue Squads, as required by § 32.1-111.13.

E. The Office of Emergency Medical Services shall provide staff support to the Advisory Board.

**§ 32.1-111.4:2. Regional emergency medical services councils.**

The Board shall designate regional emergency medical services councils that shall be authorized to receive and disburse public funds. Each such council shall be charged with the development and implementation of an efficient and effective regional emergency medical services delivery system.

The Board shall review those agencies that were the designated regional emergency medical services

2497 councils. The Board shall, in accordance with the standards established in its regulations, review and  
 2498 may renew or deny applications for such designations every three years. In its discretion, the Board  
 2499 may establish conditions for renewal of such designations or may solicit applications for designation as  
 2500 a regional emergency medical services council.

2501 Each regional emergency medical services council shall include, if available, representatives of the  
 2502 participating local governments, fire protection agencies, law-enforcement agencies, emergency medical  
 2503 services agencies, hospitals, licensed practicing physicians, emergency care nurses, mental health  
 2504 professionals, emergency medical services personnel, and other appropriate allied health professionals.

2505 Each regional emergency medical services council shall adopt and revise as necessary a regional  
 2506 emergency medical services plan in cooperation with the Board.

2507 The designated regional emergency services councils shall be required to match state funds with  
 2508 local funds obtained from private or public sources in the proportion specified in the regulations of the  
 2509 Board. Moneys received directly or indirectly from the Commonwealth shall not be used as matching  
 2510 funds. A local governing body may choose to appropriate funds for the purpose of providing matching  
 2511 grant funds for any designated regional emergency medical services council. However, this section shall  
 2512 not be construed to place any obligation on any local governing body to appropriate funds to any such  
 2513 council.

2514 The Board shall promulgate, in cooperation with the Advisory Board, regulations to implement this  
 2515 section, which shall include, but not be limited to, requirements to ensure accountability for public  
 2516 funds, criteria for matching funds, and performance standards.

2517 **§ 32.1-111.4.3. Provision of emergency medical services.**

2518 A. Any county, city, or town may provide emergency medical services to its citizens by (i)  
 2519 establishing an emergency medical services agency as a department of government pursuant to  
 2520 § 32.1-111.4:6 or (ii) contracting with or providing for the provision of emergency medical services by  
 2521 an emergency medical services agency established pursuant to § 32.1-111.4:7.

2522 B. In cases in which a county, city, or town elects to contract with or provide for emergency medical  
 2523 services by an emergency medical services agency pursuant to clause (ii) of subsection A, the emergency  
 2524 medical services agency shall be deemed to be an instrumentality of the county, city, or town and, as  
 2525 such, exempt from suit for damages done incident to the provision of emergency medical services therein  
 2526 unless the emergency medical services agency is a private, for-profit emergency medical services  
 2527 agency.

2528 **§ 32.1-111.4.4. Emergency medical services personnel and equipment may in emergencies go or be**  
 2529 **sent beyond territorial limits.**

2530 Whenever the necessity arises during any actual or potential emergency resulting from fire, personal  
 2531 injury, or other public disaster, the emergency medical services personnel of any county, city, or town  
 2532 may, together with all necessary equipment, lawfully go or be sent beyond the territorial limits of such  
 2533 county, city, or town to any point within or without the Commonwealth to assist in meeting such  
 2534 emergency.

2535 In such event, the acts performed by such fire or emergency medical services personnel and the  
 2536 expenditures made for such purpose by such county, city, or town shall be deemed conclusively to be for  
 2537 a public and governmental purpose, and all of the immunities from liability enjoyed by a county, city, or  
 2538 town when acting through its emergency medical services personnel for a public or governmental  
 2539 purpose within its territorial limits shall be enjoyed by it to the same extent when such county, city, or  
 2540 town is so acting, under this section or under other lawful authority, beyond its territorial limits.

2541 Emergency medical services personnel of any county, city, or town, when acting hereunder or under  
 2542 other lawful authority beyond the territorial limits of such county, city, or town, shall have all the  
 2543 immunities from liability and exemptions from laws, ordinances, and regulations and shall have all of  
 2544 the pension, relief, disability, workers' compensation, and other benefits enjoyed by them while  
 2545 performing their respective duties.

2546 **§ 32.1-111.4.5. Contracts of counties, cities, and towns to furnish emergency medical services;**  
 2547 **public liability insurance to cover claims arising out of mutual aid agreements.**

2548 A. The governing body of any city or town may, in its discretion, authorize or require the emergency  
 2549 medical services agency thereof to render aid in cases of actual or potential medical emergencies  
 2550 occurring beyond its limits, may prescribe the conditions under which such aid may be rendered, and  
 2551 may enter into contracts with nearby, adjacent, or adjoining counties and cities, within or without the  
 2552 Commonwealth, including the District of Columbia, for rendering aid in the provision of emergency  
 2553 medical services in such counties, cities, or any district, or sanitary district thereof or in the District of  
 2554 Columbia, on such terms as may be agreed upon by such governing body and the governing body of the  
 2555 District of Columbia or of such counties and cities, or districts, including sanitary districts, provided  
 2556 that each of the parties to such agreement may contract as follows: (i) waive any and all claims against  
 2557 all the other parties thereto that may arise out of their activities outside their respective jurisdictions

under such agreement; (ii) indemnify and save harmless the other parties to such agreement from all claims by third parties for property damage or personal injury that may arise out of the activities of the other parties to such agreement outside their respective jurisdictions under such agreement. When the emergency medical services agency of any city or town is operating under such permission or contracts on any call beyond the corporate limits of the city or town, it shall be deemed to be operating in a governmental capacity, and subject only to such liability for injuries as it would be if it were operating within the corporate limits of such city or town.

B. Any county, city, or town may contract with the federal or state government to provide emergency medical services to federal or state property located within or without the boundaries of the county, city, or town. In the absence of a written contract, any acts performed and all expenditures made by a county, city, or town in providing emergency medical services to property owned by the federal government shall be deemed conclusively to be for a public and governmental purpose, and all of the immunities from liability enjoyed by a county, city, or town when acting through its emergency medical services personnel for a public or governmental purpose within or without its territorial limits shall be enjoyed by it to the same extent when such county, city, or town is so acting, under the provisions of this section or under other lawful authority.

Emergency medical services personnel of any county, city, or town when acting hereunder, or under other lawful authority, shall have all of the immunities from liability and exemptions from laws, ordinances, and regulations and shall have all of the pension, relief, disability, workers' compensation, and other benefits enjoyed by them while performing their respective duties. The amount of compensation to the county, city, or town pursuant to the contract shall be a matter within the sole discretion of the governing body of the county, city, or town.

C. The governing body of any county adjoining or near any county, city, or town, within or without the Commonwealth, including the District of Columbia, having and maintaining emergency medical services equipment may contract with any such county, city, or town, upon such terms as such governing body may deem proper, for responding to medical emergencies in such county, city, or town and may prescribe the terms and conditions upon which such services may be provided on privately owned property in the county, city, or town and may raise funds with which to pay for such services, by levying and collecting annually, at such rates as such governing body may deem sufficient, a special tax upon the property in such county, or in any magisterial district thereof, subject to local taxation.

D. The governing body of any county, city, or town in the Commonwealth is authorized to procure or extend the necessary public liability insurance to cover claims arising out of mutual aid agreements executed with other counties, cities, or towns outside the Commonwealth, including the District of Columbia.

**§ 32.1-111.4:6. Establishment of an emergency medical services agency as a department of local government.**

A. The governing body of any county, city, or town may establish an emergency medical services agency as a department of government and may designate it by any name consistent with the names of its other governmental units. The head of such emergency medical services agency shall be known as "the emergency medical services agency chief" or "EMS chief." As many other officers and employees may be employed in such emergency medical services agency as the governing body may approve.

B. An emergency medical services agency established pursuant to subsection A may consist of government-employed emergency medical services personnel, volunteer emergency medical services personnel, or both. If an emergency medical services agency established pursuant to this section includes volunteer emergency medical services personnel, such volunteer emergency medical services agency shall be deemed an instrumentality of the county, city, or town and, as such, exempt from suit for damages done incident to providing emergency medical services to the county, city, or town.

C. The governing body of any county, city, or town may empower an emergency medical services agency established therein pursuant to this section to make bylaws to promote its objects consistent with the laws of the Commonwealth and ordinances of the county, city, or town and may provide for the compensation of the officers and employees of such agency.

D. All check stubs or time cards purporting to be a record of time spent on the job by emergency medical services personnel employed by an emergency medical services agency established pursuant to this section shall record all hours of employment, regardless of how spent. All check stubs or pay records purporting to show the hourly compensation of emergency medical services personnel employed by an emergency medical services agency established pursuant to this section shall show the actual hourly wage to be paid. Nothing in this section shall require the showing of such information on check stubs, time cards, or pay records; however, if such information is shown, the information shall be in compliance with this section.

**§ 32.1-111.4:7. Establishment of an emergency medical services agency as a nongovernmental entity.**

A. Any number of persons wishing to provide emergency medical services may establish an emergency medical services agency by (i) recording a writing stating the formation of such company, with the names of the members thereof thereto subscribed in the court of the county or city wherein such agency shall be located, (ii) complying with such local ordinances as may exist related to establishment of an emergency medical services agency, and (iii) obtaining a valid emergency medical services agency license from the Office of Emergency Medical Services together with such emergency medical services vehicle permits from the Office of Emergency Medical Services as the Office of Emergency Medical Services may require. The principal officer of such emergency medical services agency shall be known as "the emergency medical services agency chief" or "EMS chief."

B. The members of an emergency medical services agency established pursuant to subsection A may make regulations for effecting its objects consistent with the laws of the Commonwealth; the ordinances of the county, city, or town; and the bylaws of the emergency medical services agency thereof.

C. In every county, city, or town in which an emergency medical services agency is established pursuant to this section, there shall be appointed, at such time and in such manner as the governing body of such county, city, or town in which the emergency medical services agency is located may prescribe, an emergency medical services agency chief and as many other officers of the emergency medical services agency as such governing body may direct.

D. An emergency medical services agency established pursuant to this section may be dissolved when the local governing body of the county, city, or town in which the emergency medical services agency is located determines that the emergency medical services agency has failed, for three months successively, to have or keep in good and serviceable condition emergency medical services vehicles and equipment and other proper implements, or when the governing body of the county, city, or town for any reason deems it advisable.

**§ 32.1-111.4:8. Ordinances as to emergency medical services agencies.**

The governing body of any county, city, or town in which an emergency medical services agency is established pursuant to § 32.1-111.4:6 or 32.1-111.4:7 may make such ordinances in relation to the powers and duties of emergency medical services agencies and emergency medical services agency chiefs or other officers of such emergency medical services agencies as it may deem proper.

**§ 32.1-111.5. Certification and recertification of emergency medical services providers; appeals process.**

A. The Board shall prescribe by regulation the qualifications required for certification of emergency medical services providers, including those qualifications necessary for authorization to follow Do Not Resuscitate Orders pursuant to § 54.1-2987.1. Such regulations shall include criteria for determining whether an applicant's relevant practical experience and didactic and clinical components of education and training completed during his service as a member of any branch of the armed forces of the United States may be accepted by the Commissioner as evidence of satisfaction of the requirements for certification.

B. Each person desiring certification as an emergency medical services provider shall apply to the Commissioner upon a form prescribed by the Board. Upon receipt of such application, the Commissioner shall cause the applicant to be examined or otherwise determined to be qualified for certification. When determining whether an applicant is qualified for certification, the Commissioner shall consider and may accept relevant practical experience and didactic and clinical components of education and training completed by an applicant during his service as a member of any branch of the armed forces of the United States as evidence of satisfaction of the requirements for certification. If the Commissioner determines that the applicant meets the requirements for certification as an emergency medical services provider, he shall issue a certificate to the applicant. An emergency medical services provider certificate so issued shall be valid for a period required by law or prescribed by the Board. Any certificate so issued may be suspended at any time that the Commissioner determines that the holder no longer meets the qualifications prescribed for such emergency medical services provider. The Commissioner may temporarily suspend any certificate without notice, pending a hearing or informal fact-finding conference, if the Commissioner finds that there is a substantial danger to public health or safety. When the Commissioner has temporarily suspended a certificate pending a hearing, the Commissioner shall seek an expedited hearing in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

C. The Board shall prescribe by regulation procedures and the qualifications required for the recertification of emergency medical services providers.

D. The Commissioner may issue a temporary certificate when he finds that it is in the public interest. A temporary certificate shall be valid for a period not exceeding 90 days.

E. The State Board of Health shall require each person who, on or after July 1, 2013, applies to be a volunteer with or employee of an emergency medical services agency to submit fingerprints and provide personal descriptive information to be forwarded along with his fingerprints through the Central

Criminal Records Exchange to the Federal Bureau of Investigation, for the purpose of obtaining his criminal history record information. The Central Criminal Records Exchange shall forward the results of the state and national records search to the Commissioner or his designee, who shall be a governmental entity. If an applicant is denied employment or service as a volunteer because of information appearing on his criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon written request, furnish to the applicant the procedures for obtaining a copy of the criminal history record from the Federal Bureau of Investigation.

**§ 32.1-111.6. Emergency medical services agency license; emergency medical services vehicle permits.**

A. No person shall operate, conduct, maintain, or profess to be an *emergency medical services* agency without a valid ~~permit~~ *license* issued by the Commissioner for such *emergency medical services* agency and a valid *permit* for each emergency medical services vehicle used by such *emergency medical services* agency.

B. The Commissioner shall issue an original or renewal ~~permit~~ *license* for an *emergency medical services* agency or *renewal permit* for an emergency medical services vehicle ~~which~~ that meets all requirements set forth in this article and in the regulations of the Board, upon application, on forms and according to procedures established by the Board. ~~Permits~~ *Licenses and permits* shall be valid for a period specified by the Board, not to exceed two years.

C. The Commissioner may issue temporary ~~permits~~ *licenses* for *emergency medical services* agencies or *temporary permits* for emergency medical services vehicles not meeting required standards, valid for a period not to exceed ~~sixty~~ 60 days, when the public interest will be served thereby.

D. The issuance of a *license* or permit ~~hereunder~~ in accordance with this section shall not be construed to authorize any *emergency medical services* agency to operate any emergency medical services vehicle without a franchise, *license*, or permit in any county or municipality ~~which~~ that has enacted an ordinance pursuant to § 32.1-111.14 making it unlawful to do so.

E. The word "ambulance" shall not appear on any vehicle, vessel, or aircraft that does not hold a valid permit as an emergency medical services vehicle.

**§ 32.1-111.6:1. Commissioner to issue certain emergency medical services licenses or permits.**

The Commissioner of Health shall issue ~~permits~~ or licenses ~~for~~ to emergency medical services agencies and *permits* for *emergency medical services* vehicles as needed to ensure compliance with federal regulations relating to reimbursement of ~~ambulance~~ *emergency medical services* vehicle transportation services pursuant to Medicare and Medicaid.

**§ 32.1-111.7. Inspections.**

Each *emergency medical services* agency for which a license has been issued and ~~each~~ emergency medical services vehicle for which a permit has been issued shall be inspected as often as the Commissioner deems necessary and a record thereof shall be maintained. Each such *emergency medical services* agency or *emergency medical services* vehicle, its medical supplies and equipment, and the records of its maintenance and operation shall be available at all reasonable times for inspection.

**§ 32.1-111.8. Revocation and suspension of licenses and permits.**

Whenever an *emergency medical services* agency or an emergency medical services vehicle owned or operated by an *emergency medical services* agency is in violation of any provision of this article or any applicable regulation, the Commissioner shall have power to revoke or suspend such *emergency medical services* agency's ~~permit~~ *license* and the permits of all emergency medical services vehicles owned or operated by the *emergency medical services* agency. The Commissioner may temporarily suspend any ~~permit~~ *license* for ~~agencies~~ an *emergency medical services* agency or *permit* for an emergency medical services ~~vehicles~~ *vehicle* without notice, pending a hearing or informal fact-finding conference, if the Commissioner finds that there is a substantial danger to public health or safety. When the Commissioner has temporarily suspended a *license* or permit pending a hearing, the Commissioner shall seek an expedited hearing in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

**§ 32.1-111.9. Applications for variances or exemptions.**

A. Prior to the submission of (i) an application for a variance to the Commissioner of ~~Health~~ or (ii) an application for an exemption from any regulations promulgated pursuant to this chapter to the Board of ~~Health~~ by an *emergency medical services* agency or ~~governmental entity~~ *licensed* or *certified* by the ~~Office of Emergency Medical Services~~ that holds a valid license issued by the Commissioner, the application shall be reviewed by the governing body or chief administrative officer of the jurisdiction in which the principal office of the *emergency medical services* agency or ~~governmental entity~~ *licensed* or *certified* by the ~~Office of Emergency Medical Services~~ is located. The recommendation of the governing body or chief administrative officer of the jurisdiction regarding the variance or exemption shall be submitted with the application, and the Commissioner or Board, whichever is appropriate, shall consider that recommendation for the purposes of granting or denying the variance or exemption.

B. A ~~provider~~ An individual who meets the definition of "emergency medical services personnel" in

§ 32.1-111.1 who is certified as an emergency medical services provider or is a candidate for certification by the Office of Emergency Medical Services shall not be required to submit an application for a variance or exemption to the local governing body or chief administrative officer of the jurisdiction for review, but shall submit the application for a variance or exemption to the Operational Medical Director and the agency head of the emergency medical services agency chief with which the provider he is affiliated, and shall include the recommendations of such Operational Medical Director and the emergency medical services agency head chief together with the application for a variance or exemption. The recommendation of the Operational Medical Director and the emergency medical services agency head chief with which the emergency medical services personnel is affiliated regarding the variance or exemption shall be submitted with the application and the Commissioner or Board, whichever is appropriate, shall consider that recommendation for the purposes of granting or denying the variance or exemption.

C. A An emergency medical services provider who is not affiliated with an emergency medical services agency shall submit an application for a variance or exemption to the Commissioner or Board, whichever is appropriate, and the Commissioner or Board, whichever is appropriate, shall consider the application for the purposes of granting or denying the variance or exemption. The Commissioner or Board, whichever is appropriate, may require a an emergency medical services provider who is not affiliated with an emergency medical services agency to submit additional case-specific endorsements or supporting documentation as part of an application for a variance or exemption.

D. The applicant shall have the right to appeal any denial by the Commissioner or Board of an application for a variance or exemption pursuant to the Administrative Process Act (§ 2.2-4000 et seq.).

**§ 32.1-111.12. Virginia Rescue Squads Assistance Fund; disbursements.**

A. For the purpose of providing financial assistance to rescue squads and other emergency medical services organizations in the Commonwealth, of providing the requisite training for emergency medical service services personnel, and of purchasing equipment needed by such rescue squads and organizations, there is hereby created in the Department of the Treasury a special nonreverting fund which that shall be known as the Virginia Rescue Squads Assistance Fund. The Fund shall be established on the books of the Comptroller, and any moneys remaining in such Fund at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Interest earned on such moneys shall remain in the Fund and be credited to it. The Fund shall consist of any moneys appropriated for this purpose by the General Assembly and any other moneys received for such purpose by the Board. On and after July 1, 1996, any such moneys unexpended at the end of a fiscal biennium shall remain in the Fund and shall not revert to the general fund.

B. In accordance with regulations of the Board, the Commissioner shall disburse and expend the moneys in the Virginia Rescue Squads Assistance Fund. No moneys shall be disbursed directly to any rescue squad or other emergency medical services organization unless such squad or organization operates on a nonprofit basis exclusively for the benefit of the general public.

**§ 32.1-111.13. Annual financial reports.**

Effective on July 1, 1996, the The Virginia Association of Volunteer Rescue Squads shall submit an annual financial report on the use of funds received from the special emergency medical services fund to the State Emergency Medical Services Advisory Board Executive Committee on such forms and providing such information as may be required by the Advisory Board Executive Committee for such purpose.

**§ 32.1-111.14. Powers of governing bodies of counties, cities, and towns.**

A. Upon finding as fact, after notice and public hearing, that exercise of the powers enumerated below is necessary to assure the provision of adequate and continuing emergency medical services and to preserve, protect and promote the public health, safety and general welfare, the governing body of any county or city is empowered to:

1. Enact an ordinance making it unlawful to operate any emergency medical services vehicles vehicle or any class thereof established by the Board in such county or city without having been granted a franchise, license or permit to do so;

2. Grant franchises, licenses or permits to emergency medical services agencies based within or outside the county or city; however, any emergency medical services agency in operation in any county or city on June 28, 1968, that continues to operate as such, up to and including the effective date of any ordinance adopted pursuant to this section, and that submits to the governing body of the county or city satisfactory evidence of such continuing operation, shall be granted a franchise, license or permit by such governing body to serve at least that part of the county or city in which the agency has continuously operated if all other requirements of this article are met;

3. Limit the number of emergency medical services vehicles to be operated within the county or city and by any emergency medical services agency;

4. Determine and prescribe areas of franchised, licensed or permitted service within the county or

city;

5. Fix and change from time to time reasonable charges for franchised, *licensed* or permitted services;

6. Set minimum limits of liability insurance coverage for emergency medical services vehicles;

7. Contract with franchised, *licensed* or permitted *emergency medical services* agencies for *emergency medical services vehicle* transportation services to be rendered upon call of a county or municipal agency or department and for transportation of bona fide indigents or persons certified by the local board of social services to be public assistance or social services recipients; and

8. Establish other necessary regulations consistent with statutes or regulations of the Board relating to operation of emergency medical services vehicles.

B. In addition to the powers set forth above, the governing body of any county or city is authorized to provide, or cause to be provided, services of emergency medical services vehicles; to own, operate and maintain emergency medical services vehicles; to make reasonable charges for use of emergency medical services vehicles, including charging insurers for ~~ambulance~~ *emergency medical services vehicle* transportation services as authorized by § 38.2-3407.9; and to contract with any *emergency medical services* agency for the services of its emergency medical services vehicles.

C. Any incorporated town may exercise, within its corporate limits only, all those powers enumerated in subsections A and B either upon the request of a town to the governing body of the county wherein the town lies and upon the adoption by the county governing body of a resolution permitting such exercise, or after 180 days' written notice to the governing body of the county if the county is not exercising such powers at the end of such 180-day period.

D. No county ordinance enacted, or other county action taken, pursuant to powers granted herein shall be effective within an incorporated town in such county which is at the time exercising such powers until 180 days after written notice to the governing body of the town.

E. Nothing herein shall be construed to authorize any county to regulate in any manner emergency medical services vehicles owned and operated by a town or to authorize any town to regulate in any manner emergency medical services vehicles owned and operated by a county.

F. ~~Any emergency~~ *Emergency* medical services vehicles operated by a county, city, or town under authority of this section shall be subject to the provisions of this article and to the regulations of the Board ~~adopted thereunder~~.

**§ 32.1-111.14:2. Establishment of emergency medical services zones or districts; tax levies.**

*The governing bodies of the several counties or cities of the Commonwealth may create and establish, by designation on a map of the county or city showing current, official parcel boundaries, or by any other description that is legally sufficient for the conveyance of property or the creation of parcels, emergency medical services zones or districts in such counties or cities within which may be located and established one or more emergency medical services agencies for providing emergency medical services within such zones or districts.*

*In the event of the creation of such zones or districts in any county or city, the county or city governing body may acquire, in the name of the county or city, real or personal property to be devoted to the uses aforesaid and shall prescribe rules and regulations for the proper management, control, and conduct thereof. Such governing body shall also have authority to contract with, or secure the services of, any individual corporation, organization, or municipal corporation or any volunteer emergency medical services agency or emergency medical services provider for such emergency medical services as may be required.*

*To raise funds for the purposes aforesaid, the governing body of any county or city in which such zones or districts are established may levy annually a tax on the assessed value of all property, real and personal, within such zones or districts, subject to local taxation, which tax shall be extended and collected as other county or city taxes are extended and collected. However, any property located in Augusta County that has qualified for an agricultural or forestal use-value assessment pursuant to Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1 may not be included within such a zone or district and may not be subject to such tax. In any county or city having a population between 25,000 and 25,500, the maximum rate of tax under this section shall be \$0.30 on \$100 of assessed value.*

*The amount realized from such levy shall be kept separate from all other moneys of the county or city and shall be applied to no other purpose than the maintenance and operation of the emergency medical services agencies established pursuant to this section.*

**§ 32.1-111.14:3. Exclusion of certain areas from emergency medical services zones or districts and exemption of such areas from certain levies.**

*The governing body of any county or city having an emergency medical services zone or district created under the provisions of § 32.1-111.14:2, prior to June 1 of any calendar year, may alter the boundaries of such emergency medical services zone or district for the purpose of excluding an area of any such emergency medical services zone or district that is also within the boundaries of a sanitary*



2863 district providing emergency medical services or under contract to a sanitary district providing  
 2864 emergency medical services.

2865 Any area excluded from an emergency medical services zone or district as provided by this section  
 2866 shall not be subject to the levy set forth in § 32.1-111.14:2 for the year such area is excluded.

2867 **§ 32.1-111.14:4. Advances by county or city to emergency medical services zone or district;**  
 2868 **reimbursement; validation of prior advances.**

2869 A. The governing body of any county or city in the Commonwealth may advance funds, not otherwise  
 2870 specifically allocated or obligated, from the general fund to an emergency medical services zone or  
 2871 district to assist the emergency medical services zone or district to exercise the powers set forth in  
 2872 § 32.1-111.14:2.

2873 B. Notwithstanding the provisions of any other law, the governing body shall direct the treasurer to  
 2874 reimburse the general fund of the county or city from the proceeds of any funds to the credit of the  
 2875 emergency medical services zone or district, not otherwise specifically allocated or obligated, to the  
 2876 extent that the county or city has made advances to the emergency medical services zone or district  
 2877 from such general fund to assist the emergency medical services zone or district to exercise the powers  
 2878 set forth in § 32.1-111.14:2.

2879 C. The advancement of any funds heretofore advanced from the general fund by the governing body  
 2880 of any county or city in the Commonwealth for the benefit of an emergency medical services zone or  
 2881 district in exercising the lawful powers of such emergency medical services zone or district is hereby  
 2882 validated and confirmed.

2883 **§ 32.1-111.14:5. Authority of emergency medical services agency incident commander when**  
 2884 **operating at an emergency incident; penalty for refusal to obey orders.**

2885 Except as provided in § 32.1-111.14:6, while any emergency medical services personnel are in the  
 2886 process of operating at an emergency incident where there is imminent danger and when emergency  
 2887 medical services personnel are returning to the emergency medical services agency, the incident  
 2888 commander of such emergency medical services agency at that time shall have the authority to (i)  
 2889 maintain order at such emergency incident or its vicinity, (ii) direct the actions of emergency medical  
 2890 services personnel at the incident, (iii) notwithstanding the provisions of §§ 46.2-888 through 46.2-891,  
 2891 keep bystanders or other persons at a safe distance from the incident and emergency equipment, (iv)  
 2892 facilitate the speedy movement and operation of emergency equipment and emergency medical services  
 2893 personnel, and (v) until the arrival of a police officer, direct and control traffic in person or by deputy  
 2894 and facilitate the movement of traffic. The emergency medical services agency incident commander shall  
 2895 display his emergency medical services personnel's badge or other proper means of identification.  
 2896 Notwithstanding any other provision of law, this authority shall extend to the activation of traffic control  
 2897 signals designed to facilitate the safe egress and ingress of emergency equipment at an emergency  
 2898 medical services agency. Any person refusing to obey the orders of the emergency medical services  
 2899 incident commander at that time is guilty of a Class 4 misdemeanor. The authority granted under the  
 2900 provisions of this section may not be exercised to inhibit or obstruct members of law-enforcement  
 2901 agencies or fire departments or fire companies from performing their normal duties when operating at  
 2902 such emergency incident, nor to conflict with or diminish the lawful authority, duties, and  
 2903 responsibilities of forest wardens, including but not limited to the provisions of Chapter 11 (§ 10.1-1100  
 2904 et seq.) of Title 10.1. Personnel from the news media, such as the press, radio, and television, when  
 2905 gathering the news may enter at their own risk into the incident area only when the incident commander  
 2906 has deemed the area safe and only into those areas of the incident that do not, in the opinion of the  
 2907 incident commander, interfere with the emergency medical services personnel dealing with such  
 2908 emergencies, in which case the emergency medical services incident commander may order such person  
 2909 from the scene of the emergency incident.

2910 **§ 32.1-111.14:6. Supervision and control of joint services of emergency medical services agencies.**

2911 Whenever two or more emergency medical services agencies are called to provide joint services in  
 2912 any district or political subdivision, the incident commander of the first agency to arrive shall have  
 2913 general supervision and control of all such participating agencies until an officer of such district or  
 2914 political subdivision who is otherwise authorized by law to do so shall assume such general supervision  
 2915 and control.

2916 **§ 32.1-111.14:7. Penalty for disobeying emergency medical services agency chief or other officer in**  
 2917 **command.**

2918 If any person at a fire or medical emergency refuses or neglects to obey any order duly given by the  
 2919 individual having command of the incident in accordance with § 32.1-111.14:5 or 32.1-111.14:6, he  
 2920 shall, upon conviction of such offense, be fined not to exceed \$100.

2921 **§ 32.1-111.14:8. Purchase, maintenance, etc., of equipment; donated equipment.**

2922 A. The governing body of every county, city, or town shall have power to provide for the purchase,  
 2923 operation, staffing, and maintenance of suitable equipment for providing emergency medical services in



or upon the property of the county, city, or town and of its inhabitants and to prescribe the terms and conditions upon which the same will be used for providing emergency medical services in or upon privately owned property.

B. Any emergency medical services agency donating equipment for providing emergency medical services to any other emergency medical services agency, which equipment met existing engineering and safety standards at the time of its purchase by the donating entity, shall be immune from civil liability unless the donating entity acted with gross negligence or willful misconduct.

C. A safety inspection must be completed by a certified emergency medical services vehicle service center and a report designating any deficiencies shall be provided prior to the change in ownership of the donated emergency medical services vehicle.

**§ 32.1-111.14:9. Entry of buildings and premises adjoining during a medical emergency.**

A. The incident commander at a medical emergency, and his subordinates, upon his order or direction, shall have the right at any time of the day or night to enter any building or upon any premises where a medical emergency is in progress, or any building or premises adjacent thereto for the purpose of providing emergency medical services.

B. The incident commander at a medical emergency, and his subordinates upon his order or direction, shall have the right to remain at the scene of a medical emergency, including remaining in any building or house, for purposes of protecting the property and preventing the public from entry into the premises, until such reasonable time as the owner may resume responsibility for the protection of the property.

**§ 32.1-111.15. Statewide poison control system established.**

From such funds as may be appropriated for this purpose and from such gifts, donations, grants, bequests, and other funds as may be received, the Board of Health shall establish a statewide poison control system. The funding mechanism for the system and its services shall be as provided in the appropriation act.

The Board shall establish poison control centers that meet national certification standards promulgated by the American Association of Poison Control Centers. If such national certification standards are eliminated, the Board shall establish minimum standards for the designation and operation of these poison control centers. The poison control centers established by the Board shall report to the Board by October 1 of each year regarding program operations; expenditures; revenues, including in-kind contributions; financial status; future needs; and summaries of human poison exposure cases for the most recent calendar year.

The statewide system shall provide, at a minimum, (i) consultation, by free, 24-hour emergency telephone or other means of communication, to the public and to health care practitioners providers regarding the ingestion or application of substances, including determinations of emergency treatment, coordination of referrals to emergency treatment facilities, and provision of appropriate information to the staffs of such facilities; (ii) prevention education and information about poison control services; (iii) training for health care practitioners providers in toxicology and medical management of poison exposure cases; and (iv) poison control surveillance through the collection and analysis of data from reported poison exposures to identify poisoning hazards, prevent poisonings, and improve treatment of poisoned patients.

**§ 32.1-116.1:1. Disclosure of medical records.**

Any licensed physician, licensed health care provider, or licensed health care facility may disclose to an emergency medical services provider personnel, an emergency medical services physician, or their licensed parent agency the medical records of a sick or injured person to whom such emergency medical services provider personnel or emergency medical services physician is providing or has rendered emergency medical care for the purpose of promoting the medical education of the specific person who provided such care or for quality improvement initiatives of their agency or of the EMS emergency medical services system as a whole. Any emergency medical services provider personnel or emergency medical services physician to whom such confidential records are disclosed shall not further disclose such information to any persons not entitled to receive that information in accordance with the provisions of this section.

**§ 32.1-116.3. Reporting of communicable diseases; definitions.**

A. For the purposes of this section:

"Communicable disease of public health threat" means an illness of public health significance, as determined by the State Health Commissioner in accordance with regulations of the Board of Health, caused by a specific or suspected infectious agent that may be reasonably expected or is known to be readily transmitted directly or indirectly from one individual or person to another or to uninfected persons through airborne or nonairborne means and has been found to create a risk of death or significant injury or impairment; this definition shall not, however, be construed to include human immunodeficiency viruses or tuberculosis, unless used as a bioterrorism weapon. "Individual" shall

2985 include any companion animal.

2986 "Communicable diseases" means any airborne infection or disease, including, but not limited to,  
 2987 tuberculosis, measles, certain meningococcal infections, mumps, chicken pox and Hemophilus Influenzae  
 2988 Type b, and those transmitted by contact with blood or other human body fluids, including, but not  
 2989 limited to, human immunodeficiency virus, Hepatitis B and Non-A, Non-B Hepatitis.

2990 B. Every licensed health care facility ~~which~~ *that* transfers or receives patients via emergency medical  
 2991 services ~~ambulances or mobile intensive care units vehicles~~ shall notify the emergency medical services  
 2992 agencies providing such patient transport of the name and telephone number of the individual who is the  
 2993 infection control practitioner with the responsibility of investigating exposure to infectious diseases in  
 2994 the facility.

2995 Every ~~licensed~~ emergency medical services agency *that holds a valid license issued by the*  
 2996 *Commissioner and that is* established in the Commonwealth shall notify all facilities to which ~~they~~  
 2997 ~~transport it transports~~ patients or from which ~~they transfer it transfers~~ patients of the names and  
 2998 telephone numbers of the members, not to exceed three persons, who have been appointed to serve as  
 2999 the exposure control officers. Every ~~licensed~~ emergency medical services agency *that holds a valid*  
 3000 *license issued by the Commissioner* shall implement universal precautions and shall ensure that these  
 3001 precautions are appropriately followed and enforced.

3002 C. Upon requesting any ~~licensed~~ emergency medical services agency *that holds a valid license issued*  
 3003 *by the Commissioner* to transfer a patient who is known to be positive for or who suffers from any  
 3004 communicable disease, the transferring facility shall inform the attendant-in-charge of the transferring  
 3005 crew of the general condition of the patient and the types of precautions to be taken to prevent the  
 3006 spread of the disease. The identity of the patient shall be confidential.

3007 D. If any firefighter, law-enforcement officer, *or* emergency medical services provider ~~or paramedic~~  
 3008 has an exposure of blood or body fluid to mucous membrane, *or* non-intact skin, or a contaminated  
 3009 needlestick injury, his exposure control officer shall be notified, a report completed, and the infection  
 3010 control practitioner at the receiving facility notified.

3011 E. If, during the course of medical care and treatment, any physician determines that a patient who  
 3012 was transported to a receiving facility by any ~~licensed~~ emergency medical services agency *that holds a*  
 3013 *valid license issued by the Commissioner* (i) is positive for or has been diagnosed as suffering from an  
 3014 airborne infectious disease or (ii) is subject to an order of quarantine or an order of isolation pursuant to  
 3015 Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 ~~of this title~~, then the infection control practitioner in the  
 3016 facility shall immediately notify the exposure control officer who represents the transporting emergency  
 3017 medical services agency of the name of the patient, and the date and time of the patient's admittance to  
 3018 the facility. The exposure control officer for the transporting emergency medical services agency shall  
 3019 investigate the incident to determine if any exposure of emergency medical services personnel or other  
 3020 emergency personnel occurred. The identity of the patient and all personnel involved in any such  
 3021 investigation shall be confidential.

3022 F. If any firefighter, law-enforcement officer, *or* emergency medical services provider ~~or paramedic~~  
 3023 ~~shall be~~ *is* exposed to a communicable disease, the exposure control officer shall immediately notify the  
 3024 infection control practitioner of the receiving facility. The infection control practitioner of the facility  
 3025 shall conduct an investigation and provide information concerning the extent and severity of the  
 3026 exposure and the recommended course of action to the exposure control officer of the transporting  
 3027 agency.

3028 G. Any person requesting or requiring any employee of a public safety agency as defined in  
 3029 subsection J of § 32.1-45.2 to arrest, transfer, or otherwise exercise custodial supervision over an  
 3030 individual known to the requesting person (i) to be infected with any communicable disease or (ii) to be  
 3031 subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.)  
 3032 of Chapter 2 ~~of this title~~ shall inform such public safety agency employee of a potential risk of exposure  
 3033 to a communicable disease.

3034 H. Local or state correctional facilities which transfer patients known to have a communicable  
 3035 disease or to be subject to an order of quarantine or an order of isolation pursuant to Article 3.02  
 3036 (§ 32.1-48.05 et seq.) of Chapter 2 ~~of this title~~ shall notify the emergency medical services agency  
 3037 providing transportation services of a potential risk of exposure to a communicable disease, including a  
 3038 communicable disease of public health threat. For the purposes of this section, the chief medical person  
 3039 at a local or state correctional facility or the facility director or his designee shall be responsible for  
 3040 providing such information to the transporting agency.

3041 I. Any person who, as a result of this provision, becomes aware of the identity or condition of a  
 3042 person known to be (i) positive for or to suffer from any communicable disease, or to have suffered  
 3043 exposure to a communicable disease or (ii) subject to an order of quarantine or an order of isolation  
 3044 pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 ~~of this title~~, shall keep such information  
 3045 confidential, except as expressly authorized by this provision.

J. No person known to be (i) positive for or to suffer from any communicable disease, including any communicable disease of public health threat, or (ii) subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of this title, shall be refused transportation or service for that reason by an emergency medical services, law-enforcement, or public safety agency.

**§ 32.1-283.2. Local and regional child fatality review teams established; membership; authority; confidentiality; immunity.**

A. Upon the initiative of any local or regional law-enforcement agency, fire department, department of social services, emergency medical services agency, Commonwealth's attorney's office, or community services board, local or regional child fatality teams may be established for the purpose of conducting contemporaneous reviews of local child deaths in order to develop interventions and strategies for prevention specific to the locality or region. Each team shall establish rules and procedures to govern the review process. Agencies may share information but shall be bound by confidentiality and execute a sworn statement to honor the confidentiality of the information they share. Violations shall be punishable as a Class 3 misdemeanor. The State Child Fatality Review Team shall provide technical assistance and direction as provided for in subsection A of § 32.1-283.1.

B. Local and regional teams may be composed of the following persons from the localities represented on a particular board or their designees: a local or regional medical examiner, a local social services official in charge of child protective services, a director of the relevant local or district health department, a chief law-enforcement officer, a local fire marshal, *a local emergency medical services agency chief*, the attorney for the Commonwealth, an executive director of the local community services board or other local mental health agency, and such additional persons, not to exceed ~~five~~ *four*, as may be appointed to serve by the chairperson of the local or regional team. The chairperson shall be elected from among the designated membership. The additional members appointed by the chairperson may include, but are not restricted to, representatives of local human services agencies; local public education agencies; local pediatricians, psychiatrists and psychologists; and local child advocacy organizations.

C. Each team shall establish local rules and procedures to govern the review process prior to conducting the first child fatality review. The review of a death shall be delayed until any criminal investigations connected with the death are completed or the Commonwealth consents to the commencement of such review prior to the completion of the criminal investigation.

D. All information and records obtained or created regarding the review of a fatality shall be confidential and shall be excluded from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 9 of § 2.2-3705.5. All such information and records shall be used by the team only in the exercise of its proper purpose and function and shall not be disclosed. Such information or records shall not be subject to subpoena, subpoena duces tecum, or discovery or be admissible in any criminal or civil proceeding. If available from other sources, however, such information and records shall not be immune from subpoena, subpoena duces tecum, discovery or introduction into evidence when obtained through such other sources solely because the information and records were presented to the team during a fatality review. No person who participated in the reviews nor any member of the team shall be required to make any statement as to what transpired during the review or what information was collected during the review. Upon the conclusion of the fatality review, all information and records concerning the victim and the family shall be returned to the originating agency or destroyed. However, the findings of the team may be disclosed or published in statistical or other form which shall not identify individuals. The portions of meetings in which individual cases are discussed by the team shall be closed pursuant to subdivision A 21 of § 2.2-3711. All team members, persons attending closed team meetings, and persons presenting information and records on specific fatalities to the team during closed meetings shall execute a sworn statement to honor the confidentiality of the information, records, discussions, and opinions disclosed during any closed meeting to review a specific death. Violations of this subsection shall be punishable as a Class 3 misdemeanor.

E. Members of teams, as well as their agents and employees, shall be immune from civil liability for any act or omission made in connection with participation in a child fatality review team review, unless such act or omission was the result of gross negligence or willful misconduct. Any organization, institution, or person furnishing information, data, testimony, reports or records to review teams as part of such review, shall be immune from civil liability for any act or omission in furnishing such information, unless such act or omission was the result of gross negligence or willful misconduct.

**§ 32.1-291.12. Search and notification.**

A. The following persons shall make a reasonable search of an individual who the person reasonably believes is dead or whose death is imminent for a document of gift or other information identifying the individual as a donor or as an individual who made a refusal:

1. A law-enforcement officer, *a firefighter, paramedic emergency medical services personnel*, or other emergency rescuer finding the individual; and

2. If no other source of the information is immediately available, a hospital, as soon as practical after the individual's arrival at the hospital.

B. If a document of gift or a refusal to make an anatomical gift is located by the search required by subdivision A 1 and the individual or deceased individual to whom it relates is taken to a hospital, the person responsible for conducting the search shall send the document of gift or refusal to the hospital.

C. A person is not subject to criminal or civil liability for failing to discharge the duties imposed by this section but may be subject to administrative sanctions.

**§ 33.2-262. Removal of snow from driveways of volunteer fire departments and emergency medical services agencies.**

On the roads under the jurisdiction of the Department, the Department shall remove snow from the driveways and entrances of volunteer fire departments and volunteer ~~rescue squads~~ *emergency medical services agencies* when the chief of any individual volunteer fire department, or ~~the head of any individual volunteer rescue squad,~~ *emergency medical services agency* makes a written request for such snow removal service, provided that such service shall only be performed when such service can be performed during the normal course of snow removal activities of the Department without interfering with, or otherwise inconveniencing, such snow removal activities. Such service shall not extend to any parking lots adjacent to such driveways and entranceways not normally used by the volunteer fire department or volunteer ~~rescue squad vehicles~~ *emergency medical services agency* as their direct driveway or entrance.

**§ 33.2-501. Designation of HOV lanes; use of such lanes; penalties.**

A. In order to facilitate the rapid and orderly movement of traffic to and from urban areas during peak traffic periods, the Board may designate one or more lanes of any highway in the Interstate System, primary state highway system, or secondary state highway system as HOV lanes. When lanes have been so designated and have been appropriately marked with signs or other markers as the Board may prescribe, they shall be reserved during periods designated by the Board for the exclusive use of buses and high-occupancy vehicles. Any local governing body may also, with respect to highways under its exclusive jurisdiction, designate HOV lanes and impose and enforce restrictions on the use of such lanes. Any highway for which the locality receives highway maintenance funds pursuant to § 33.2-319 shall be deemed to be within the exclusive jurisdiction of the local governing body for the purposes of this section. HOV lanes shall be reserved for high-occupancy vehicles of a specified number of occupants as determined by the Board or, for HOV lanes designated by a local governing body, by that local governing body. Notwithstanding the foregoing provisions of this section, no designation of any lane or lanes of any highway as HOV lanes shall apply to the use of any such lanes by:

1. Emergency vehicles such as firefighting vehicles, ~~ambulances,~~ and ~~rescue squad~~ *emergency medical services* vehicles;
2. Law-enforcement vehicles;
3. Motorcycles;
4. a. Transit and commuter buses designed to transport 16 or more passengers, including the driver;
- 46.2-2099.4, or 46.2-2099.44;
5. Vehicles of public utility companies operating in response to an emergency call;
6. Vehicles bearing clean special fuel vehicle license plates issued pursuant to § 46.2-749.3, provided such use is in compliance with federal law;
7. Taxicabs having two or more occupants, including the driver; or
8. (Contingent effective date) Any active duty military member in uniform who is utilizing Interstate 264 and Interstate 64 for the purposes of traveling to or from a military facility in the Hampton Roads Planning District.

In the Hampton Roads Planning District, HOV restrictions may be temporarily lifted and HOV lanes opened to use by all vehicles when restricting use of HOV lanes becomes impossible or undesirable and the temporary lifting of HOV limitations is indicated by signs along or above the affected portion of highway.

The Commissioner of Highways shall implement a program of the HOV facilities in the Hampton Roads Planning District beginning not later than May 1, 2000. This program shall include the temporary lifting of HOV restrictions and the opening of HOV lanes to all traffic when an incident resulting from nonrecurring causes within the general lanes occurs such that a lane of traffic is blocked or is expected to be blocked for 10 minutes or longer. The HOV restrictions for the facility shall be reinstated when the general lane is no longer blocked and is available for use.

The Commissioner of Highways shall maintain necessary records to evaluate the effects of such openings on the operation of the general lanes and the HOV lanes. This program will terminate if the Federal Highway Administration requires repayment of any federal highway construction funds because of the program's impact on the HOV facilities in Hampton Roads.

B. In designating any lane or lanes of any highway as HOV lanes, the Board or local governing body shall specify the hour or hours of each day of the week during which the lanes shall be so reserved, and the hour or hours shall be plainly posted at whatever intervals along the lanes the Board or local governing body deems appropriate. Any person driving a motor vehicle in a designated HOV lane in violation of this section is guilty of a traffic infraction, which shall not be a moving violation, and on conviction shall be fined \$100. However, violations committed within the boundaries of Planning District 8 shall be punishable as follows:

1. For a first offense, by a fine of \$125;
2. For a second offense within a period of five years from a first offense, by a fine of \$250;
3. For a third offense within a period of five years from a first offense, by a fine of \$500; and
4. For a fourth or subsequent offense within a period of five years from a first offense, by a fine of \$1,000.

Upon a conviction under this section, the court shall furnish to the Commissioner of the Department of Motor Vehicles in accordance with § 46.2-383 an abstract of the record of such conviction, which shall become a part of the person's driving record. Notwithstanding the provisions of § 46.2-492, no driver demerit points shall be assessed for any violation of this section, except that persons convicted of second, third, fourth, or subsequent violations within five years of a first offense committed in Planning District 8 shall be assessed three demerit points for each such violation.

C. In the prosecution of an offense, committed in the presence of a law-enforcement officer, of failure to obey a road sign restricting a highway, or portion thereof, to the use of high-occupancy vehicles, proof that the vehicle described in the HOV violation summons was operated in violation of this section, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, shall constitute in evidence a rebuttable presumption that such registered owner of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the registered owner of the vehicle testifies in open court under oath that he was not the operator of the vehicle at the time of the violation. A summons for a violation of this section may be executed in accordance with § 19.2-76.2. Such rebuttable presumption shall not arise when the registered owner of the vehicle is a rental or leasing company.

D. Notwithstanding the provisions of § 19.2-76, whenever a summons for a violation of this section is served in any locality, it may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for his failure to appear on the return date of the summons.

E. Notwithstanding § 33.2-613, high-occupancy vehicles having three or more occupants (HOV-3) may be permitted to use the Omer L. Hirst-Adelard L. Brault Expressway (Dulles Toll Road) without paying a toll.

F. Notwithstanding the contrary provisions of this section, the following conditions shall be met before the HOV-2 designation of Interstate Route 66 outside the Capital Beltway can be changed to HOV-3 or any more restrictive designation:

1. The Department of Transportation shall publish a notice of its intent to change the existing designation and also immediately provide similar notice of its intent to all members of the General Assembly representing districts that touch or are directly impacted by traffic on Interstate Route 66.

2. The Department of Transportation shall hold public hearings in the corridor to receive comments from the public.

3. The Department of Transportation shall make a finding of the need for a change in such designation, based on public hearings and its internal data, and present this finding to the Board for approval.

4. The Board shall make written findings and a decision based upon the following criteria:

- a. Is changing the HOV-2 designation to HOV-3 in the public interest?
- b. Is there quantitative and qualitative evidence that supports the argument that HOV-3 will facilitate the flow of traffic on Interstate Route 66?

- c. Is changing the HOV-2 designation beneficial to comply with the federal Clean Air Act Amendments of 1990?

#### **§ 33.2-503. HOT lanes enforcement.**

Any person operating a motor vehicle on designated HOT lanes shall make arrangements with the HOT lanes operator for payment of the required toll prior to entering such HOT lanes. The driver of a vehicle who enters the HOT lanes in an unauthorized vehicle, in violation of the conditions for use of such HOT lanes established pursuant to § 33.2-502, without payment of the required toll or without having made arrangements with the HOT lanes operator for payment of the required toll shall have

3229 committed a violation of this section, which may be enforced in the following manner:

3230 1. On a form prescribed by the Supreme Court, a summons for civil violation of this section may be  
 3231 executed by a law-enforcement officer, when such violation is observed by such officer. The form shall  
 3232 contain the option for the driver of the vehicle to prepay the unpaid toll and all penalties, administrative  
 3233 fees, and costs.

3234 2. a. A HOT lanes operator shall install and operate, or cause to be installed or operated, a  
 3235 photo-enforcement system at locations where tolls are collected for the use of such HOT lanes.

3236 b. A summons for civil violation of this section may be executed pursuant to this subdivision, when  
 3237 such violation is evidenced by information obtained from a photo-enforcement system as defined in this  
 3238 chapter. A certificate, sworn to or affirmed by a technician employed or authorized by the HOT lanes  
 3239 operator, or a facsimile of such a certificate, based on inspection of photographs, microphotographs,  
 3240 videotapes, or other recorded images produced by a photo-enforcement system, shall be prima facie  
 3241 evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other  
 3242 recorded images evidencing such a violation shall be available for inspection in any proceeding to  
 3243 adjudicate the liability for such violation under this subdivision. Any vehicle rental or vehicle leasing  
 3244 company, if named in a summons, shall be released as a party to the action if it provides to the HOT  
 3245 lanes operator a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or  
 3246 lessee prior to the date of hearing set forth in the summons. Upon receipt of such rental agreement,  
 3247 lease, or affidavit, a summons shall be issued for the renter or lessee identified therein. Release of this  
 3248 information shall not be deemed a violation of any provision of the Government Data Collection and  
 3249 Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act  
 3250 (§ 38.2-600 et seq.).

3251 c. On a form prescribed by the Supreme Court, a summons issued under this subdivision may be  
 3252 executed pursuant to § 19.2-76.2. Such form shall contain the option for the driver or registered owner  
 3253 to prepay the unpaid toll and all penalties, administrative fees, and costs. HOT lanes operator personnel  
 3254 or their agents mailing such summons shall be considered conservators of the peace for the sole and  
 3255 limited purpose of mailing such summons. Notwithstanding the provisions of § 19.2-76, a summons for  
 3256 a violation of this section may be executed by mailing by first-class mail a copy thereof to the address  
 3257 of the owner of the vehicle as shown on the records of the Department of Motor Vehicles or, if the  
 3258 registered owner has named and provided a valid address for the operator of the vehicle at the time of  
 3259 the violation in an affidavit executed pursuant to this subdivision, such named operator of the vehicle. If  
 3260 the summoned person fails to appear on the date of return set out in the summons mailed pursuant to  
 3261 this section, the summons shall be executed in the manner set out in § 19.2-76.3.

3262 d. The registered owner of such vehicle shall be given reasonable notice by way of a summons as  
 3263 provided in this subdivision that his vehicle had been used in violation of this section, and such owner  
 3264 shall be given notice of the time and place of the hearing and notice of the civil penalty and costs for  
 3265 such offense.

3266 Upon the filing of an affidavit with the court at least 14 days prior to the hearing date by the  
 3267 registered owner of the vehicle stating that he was not the driver of the vehicle on the date of the  
 3268 violation and providing the legal name and address of the driver of the vehicle at the time of the  
 3269 violation, a summons will also be issued to the alleged driver of the vehicle at the time of the offense.  
 3270 The affidavit shall constitute prima facie evidence that the person named in the affidavit was driving the  
 3271 vehicle at all the relevant times relating to the matter named in the affidavit.

3272 If the registered owner of the vehicle produces a certified copy of a police report showing that the  
 3273 vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained  
 3274 stolen at the time of the alleged offense, then the court shall dismiss the summons issued to the  
 3275 registered owner of the vehicle.

3276 3. a. The HOT lanes operator may impose and collect an administrative fee in addition to the unpaid  
 3277 toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be  
 3278 reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. The  
 3279 operator of the vehicle shall pay the unpaid tolls and any administrative fee detailed in a notice or  
 3280 invoice issued by a HOT lanes operator. If paid within 30 days of notification, the administrative fee  
 3281 shall not exceed \$25.

3282 b. Upon a finding by a court of competent jurisdiction that the driver of the vehicle observed by a  
 3283 law-enforcement officer under subdivision 1 or the vehicle described in the summons for civil violation  
 3284 issued pursuant to evidence obtained by a photo-enforcement system under subdivision 2 was in  
 3285 violation of this section, the court shall impose a civil penalty upon the driver of such vehicle issued a  
 3286 summons under subdivision 1, or upon the driver or registered owner of such vehicle issued a summons  
 3287 under subdivision 2, payable to the HOT lanes operator as follows: for a first offense, \$50; for a second  
 3288 offense, \$250; for a third offense within a period of two years of the second offense, \$500; and for a  
 3289 fourth and subsequent offense within a period of three years of the second offense, \$1,000, together

with, in each case, the unpaid toll, all accrued administrative fees imposed by the HOT lanes operator as authorized by this section, and applicable court costs. The court shall remand penalties, the unpaid toll, and administrative fees assessed for violation of this section to the treasurer or director of finance of the county or city in which the violation occurred for payment to the HOT lanes operator for expenses associated with operation of the HOT lanes and payments against any bonds or other liens issued as a result of the construction of the HOT lanes. No person shall be subject to prosecution under both subdivisions 1 and 2 for actions arising out of the same transaction or occurrence.

c. Upon a finding by a court that a person has violated this section, in the event such person fails to pay the required penalties, fees, and costs, the court shall notify the Commissioner of the Department of Motor Vehicles, who shall suspend all of the registration certificates and license plates issued for any motor vehicles registered solely in the name of such person and shall not issue any registration certificate or license plate for any other vehicle that such person seeks to register solely in his name until the court has notified the Commissioner of the Department of Motor Vehicles that such penalties, fees, and costs have been paid. The HOT lanes operator and the Commissioner of the Department of Motor Vehicles may enter into an agreement whereby the HOT lanes operator may reimburse the Department of Motor Vehicles for its reasonable costs to develop, implement, and maintain this enforcement mechanism, and that specifies that the Commissioner of the Department of Motor Vehicles shall have an obligation to suspend such registration certificates so long as the HOT lanes operator makes the required reimbursements in a timely manner in accordance with the agreement.

d. Except as provided in subdivisions 4 and 5, imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator of a motor vehicle under Title 46.2 and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

4. a. The HOT lanes operator may restrict the usage of the HOT lanes to designated vehicle classifications pursuant to an interim or final comprehensive agreement executed pursuant to § 33.2-1808 or 33.2-1809. Notice of any such vehicle classification restrictions shall be provided through the placement of signs or other markers prior to and at all HOT lanes entrances.

b. Any person driving an unauthorized vehicle on the designated HOT lanes is guilty of a traffic infraction, which shall not be a moving violation, and shall be punishable as follows: for a first offense, by a fine of \$125; for a second offense within a period of five years from a first offense, by a fine of \$250; for a third offense within a period of five years from a first offense, by a fine of \$500; and for a fourth and subsequent offense within a period of five years from a first offense, by a fine of \$1,000.

Upon a conviction under this subdivision, the court shall furnish to the Commissioner of the Department of Motor Vehicles, in accordance with § 46.2-383, an abstract of the record of such conviction, which shall become a part of the person's driving record. Notwithstanding the provisions of § 46.2-492, no driver demerit points shall be assessed for any violation of this subdivision, except that persons convicted of a second, third, fourth, or subsequent violation within five years of a first offense shall be assessed three demerit points for each such violation.

5. The driver of a vehicle who enters the HOT lanes by crossing through any barrier, buffer, or other area separating the HOT lanes from other lanes of travel is guilty of a violation of § 46.2-852, unless the vehicle is a state or local law-enforcement vehicle, firefighting truck, ambulance, or rescue squad emergency medical services vehicle used in the performance of its official duties. No person shall be subject to prosecution both under this subdivision and under subdivision 1, 2, or 4 for actions arising out of the same transaction or occurrence.

Upon a conviction under this subdivision, the court shall furnish to the Commissioner of the Department of Motor Vehicles in accordance with § 46.2-383 an abstract of the record of such conviction, which shall become a part of the convicted person's driving record.

6. No person shall be subject to prosecution both under this section and under § 33.2-501, 46.2-819, or 46.2-819.1 for actions arising out of the same transaction or occurrence.

7. Any action under this section shall be brought in the general district court of the county or city in which the violation occurred.

### **§ 33.2-613. Free use of toll facilities by certain state officers and employees; penalties.**

A. Vehicles transporting two or more persons, including the driver, may be permitted toll-free use of the Dulles Toll Road during rush hours by the Board; however, notwithstanding the provisions of subdivision B 1 of § 56-543 said vehicles shall not be permitted toll-free use of a roadway as defined pursuant to the Virginia Highway Corporation Act of 1988 (§ 56-535 et seq.). Upon presentation of a toll pass issued pursuant to regulations promulgated by the Board, the following persons may use all toll bridges, toll ferries, toll tunnels, and toll roads in the Commonwealth without the payment of toll while in the performance of their official duties:

1. The Commissioner of Highways;
2. Members of the Commonwealth Transportation Board;

- 3351 3. Employees of the Department of Transportation;  
 3352 4. The Superintendent of the Department of State Police;  
 3353 5. Officers and employees of the Department of State Police;  
 3354 6. Members of the Alcoholic Beverage Control Board;  
 3355 7. Employees of the regulatory and hearings divisions of the Department of Alcoholic Beverage  
 3356 Control and special agents of the Department of Alcoholic Beverage Control;  
 3357 8. The Commissioner of the Department of Motor Vehicles;  
 3358 9. Employees of the Department of Motor Vehicles;  
 3359 10. Local police officers;  
 3360 11. Sheriffs and their deputies;  
 3361 12. Regional jail officials;  
 3362 13. Animal wardens;  
 3363 14. The Director and officers of the Department of Game and Inland Fisheries;  
 3364 15. Persons operating firefighting equipment and ~~ambulances~~ *emergency medical services vehicles*  
 3365 owned by a political subdivision of the Commonwealth or a nonprofit association or corporation;  
 3366 16. Operators of school buses being used to transport pupils to or from schools;  
 3367 17. Operators of (i) commuter buses having a capacity of 20 or more passengers, including the  
 3368 driver, and used to regularly transport workers to and from their places of employment and (ii) public  
 3369 transit buses;  
 3370 18. Employees of the Department of Rail and Public Transportation;  
 3371 19. Employees of any transportation facility created pursuant to the Virginia Highway Corporation  
 3372 Act of 1988; and  
 3373 20. Law-enforcement officers of the Virginia Marine Resources Commission.  
 3374 B. Notwithstanding the provision of subsection A requiring presentation of a toll pass for toll-free  
 3375 use of such facilities, in cases of emergency and circumstances of concern for public safety on the  
 3376 highways of the Commonwealth, the Department of Transportation shall, in order to alleviate an actual  
 3377 or potential threat or risk to the public's safety, facilitate the flow of traffic on or within the vicinity of  
 3378 the toll facility by permitting the temporary suspension of toll collection operations on its facilities.  
 3379 1. The assessment of the threat to public safety shall be performed and the decision temporarily to  
 3380 suspend toll collection operations shall be made by the Commissioner of Highways or his designee.  
 3381 2. Major incidents that may require the temporary suspension of toll collection operations shall  
 3382 include (i) natural disasters such as hurricanes, tornadoes, fires, and floods; (ii) accidental releases of  
 3383 hazardous materials such as chemical spills; (iii) major traffic accidents, such as multivehicle collisions;  
 3384 and (iv) other incidents deemed to present a risk to public safety.  
 3385 3. In any judicial proceeding in which a person is found to be criminally responsible or civilly liable  
 3386 for any incident resulting in the suspension of toll collections as provided in this subsection, the court  
 3387 may assess against the person an amount equal to lost toll revenue as a part of the costs of the  
 3388 proceeding and order that such amount, not to exceed \$2,000 for any individual incident, be paid to the  
 3389 Department of Transportation for deposit into the toll road fund.  
 3390 C. Any tollgate keeper who refuses to permit the persons listed in subsection A to use any toll  
 3391 bridge, toll ferry, toll tunnel, or toll road upon presentation of such a toll pass is guilty of a  
 3392 misdemeanor punishable by a fine of not more than \$50 and not less than \$2.50. Any person other than  
 3393 those listed in subsection A who exhibits any such toll pass for the purpose of using any toll bridge, toll  
 3394 ferry, toll tunnel, or toll road is guilty of a Class 1 misdemeanor.  
 3395 D. Any vehicle operated by the holder of a valid driver's license issued by the Commonwealth or  
 3396 any other state shall be allowed free use of all toll bridges, toll roads, and other toll facilities in the  
 3397 Commonwealth if:  
 3398 1. The vehicle is specially equipped to permit its operation by a handicapped person;  
 3399 2. The driver of the vehicle has been certified, either by a physician licensed by the Commonwealth  
 3400 or any other state or by the Adjudication Office of the U.S. Department of Veterans Affairs, as being  
 3401 severely physically disabled and having permanent upper limb mobility or dexterity impairments that  
 3402 substantially impair his ability to deposit coins in toll baskets;  
 3403 3. The driver has applied for and received from the Department of Transportation a vehicle window  
 3404 sticker identifying him as eligible for such free passage; and  
 3405 4. Such identifying window sticker is properly displayed on the vehicle.  
 3406 A copy of this subsection shall be posted at all toll bridges, toll roads, and other toll facilities in the  
 3407 Commonwealth. The Department of Transportation shall provide envelopes for payments of tolls by  
 3408 those persons exempted from tolls pursuant to this subsection and shall accept any payments made by  
 3409 such persons.  
 3410 E. Nothing contained in this section or in § 33.2-612 or 33.2-1718 shall operate to affect the  
 3411 provisions of § 22.1-187.



F. Notwithstanding the provisions of subsections A, B, and C, only the following persons may use the Chesapeake Bay Bridge-Tunnel, facilities of the Richmond Metropolitan Transportation Authority, or facilities of an operator authorized to operate a toll facility pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) without the payment of toll when necessary and incidental to the conduct of official business:

1. The Commissioner of Highways;
2. Members of the Commonwealth Transportation Board;
3. Employees of the Department of Transportation;
4. The Superintendent of the Department of State Police;
5. Officers and employees of the Department of State Police;
6. The Commissioner of the Department of Motor Vehicles;
7. Employees of the Department of Motor Vehicles; and
8. Sheriffs and deputy sheriffs.

G. Any vehicle operated by a quadriplegic driver shall be allowed free use of all toll facilities in Virginia controlled by the Richmond Metropolitan Transportation Authority, pursuant to the requirements of subdivisions D 1 through 4.

#### **§ 35.1-25. Exemptions.**

The provisions of this title applicable to restaurants shall not apply to:

1. Boardinghouses that do not accommodate transients;
2. Cafeterias operated by industrial plants for employees only;
3. Churches; fraternal or school organizations; organizations that are exempt from taxation under § 501(c)(3) of the Internal Revenue Code; and volunteer fire departments and ~~rescue squads~~ *volunteer emergency medical services agencies* that hold occasional dinners, bazaars, and other fund-raisers of one or two days' duration, at which food (i) prepared in the homes of members; (ii) prepared in the kitchen of the church, school, or organization; or (iii) purchased or donated from a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) is offered for sale to the public. Restaurants licensed pursuant to Chapter 3 that donate or sell food to the entities identified in this subdivision shall not be required to apply for any additional permits from, or pay any additional permit application fees to, the Department for the proposed occasional dinner, bazaar, or other fund raiser;
4. Grocery stores, including the delicatessen portion that is a part of a grocery store selling exclusively for off-premises consumption, and places manufacturing or selling packaged or canned goods;
5. Churches that serve meals consisting of food prepared in the homes of members or in the kitchen of the church or purchased or donated from a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) for their members or their invited guests;
6. Convenience stores or gas stations that are subject to the Department of Agriculture and Consumer Services' Retail Food Establishment Regulations or any regulations subsequently adopted and that (i) have 15 or fewer seats at which food is served to the public on the premises of the convenience store or gas station and (ii) are not associated with a national or regional restaurant chain. Notwithstanding this exemption, such convenience stores or gas stations shall remain responsible for collecting any applicable local meals tax; or
7. Concession stands at youth athletic activities, if such stands are promoted or sponsored by a youth athletic association or by any charitable nonprofit organization or group thereof that has been recognized as being a part of the recreational program of the political subdivision where the association or organization is located by an ordinance or resolution of such political subdivision.

#### **§ 38.2-1904. Rate standards.**

A. Rates for the classes of insurance to which this chapter applies shall not be excessive, inadequate, or unfairly discriminatory. All rates and all changes and amendments to rates to which this chapter applies for use in this Commonwealth shall consider loss experience and other factors within Virginia if relevant and actuarially sound; provided, *that* other data, including countrywide, regional, or other state data, may be considered where such data is relevant and where a sound actuarial basis exists for considering data other than Virginia-specific data.

1. No rate shall be held to be excessive unless it is unreasonably high for the insurance provided and a reasonable degree of competition does not exist in the area with respect to the classification to which the rate applies.

2. No rate shall be held inadequate unless it is unreasonably low for the insurance provided and (i) continued use of it would endanger solvency of the insurer or (ii) use of the rate by the insurer has or, if continued, will have the effect of destroying competition or creating a monopoly.

3. No rate shall be unfairly discriminatory if a different rate is charged for the same coverage and the rate differential (i) is based on sound actuarial principles or (ii) is related to actual or reasonably anticipated experience.

B. 1. In determining whether rates comply with the standards of subsection A of this section, separate consideration shall be given to (i) past and prospective loss experience within and outside this Commonwealth, (ii) conflagration or catastrophe hazards, (iii) a reasonable margin for underwriting profit and contingencies, (iv) dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers, (v) past and prospective expenses both countrywide and those specifically applicable to this Commonwealth, (vi) the loss reserving practices, standards and procedures utilized by the insurer, (vii) investment income earned or realized by insurers from their unearned premium and loss reserve and the Commission may give separate consideration to investment income earned on surplus funds, and (viii) all other relevant factors within and outside this Commonwealth. When actual experience or data does not exist, the Commission may consider estimates.

2. In the case of fire insurance rates, consideration shall be given to the experience of the fire insurance business during a period of not less than the most recent five-year period for which such experience is available.

3. In the case of workers' compensation insurance rates for volunteer firefighters or volunteer lifesaving or volunteer rescue squad members emergency medical services personnel, the rates shall be calculated based upon the combined experience of both volunteer firefighters or volunteer lifesaving or volunteer rescue squad members emergency medical services personnel and paid firefighters or paid lifesaving or paid rescue squad members emergency medical services personnel, so that the resulting rate is the same for both volunteer and paid members, but in no event shall resulting premiums be less than forty dollars \$40 per year for any volunteer firefighter or rescue squad member volunteer emergency medical services personnel.

4. In the case of uninsured motorist coverage required by subsection A of § 38.2-2206, consideration shall be given to all sums distributed by the Commission from the Uninsured Motorists Fund in accordance with the provisions of Chapter 30 (§ 38.2-3000 et seq.) of this title.

C. For the classes of insurance to which this chapter applies, including insurance against contingent, consequential and indirect losses as defined in § 38.2-133 (i) the systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such insurer or group for any class of insurance, or with respect to any subdivision or combination of insurance for which separate expense provisions are applicable, and (ii) risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans that establish standards for measuring variations in hazards, expense provisions, or both. The standards may measure any difference between risks that can be demonstrated to have a probable effect upon losses or expenses. Notwithstanding any other provision of this subsection, except as permitted by § 38.2-1908, each member of a rate service organization shall use the uniform classification system, uniform experience rating plan, and uniform statistical plan of its designated rate service organization in the provision of insurance defined in § 38.2-119.

D. No insurer shall use any information pertaining to any motor vehicle conviction or accident to produce increased or surcharged rates above their filed manual rates for individual risks for a period longer than thirty-six 36 months. This period shall begin no later than twelve 12 months after the date of the conviction or accident.

E. Each authorized insurer subject to the provisions of this chapter may file with the Commission an expense reduction plan that permits variations in expense provisions. Such filing may contain provisions permitting agents to reduce their commission resulting in an appropriate reduction in premium. Nothing in this section shall be construed to require an agent to reduce a commission, nor may an insurer unreasonably refuse to reduce a premium due to a commission reduction as permitted by its filed expense reduction plan.

#### **§ 38.2-2005. Provisions governing making of rates.**

A. Rates for the classes of insurance to which this chapter applies shall not be excessive, inadequate, or unfairly discriminatory. All rates and all changes and amendments to rates to which this chapter applies for use in this Commonwealth shall consider loss experience and other factors within Virginia if relevant and actuarially sound; however, other data, including countrywide, regional or other state data, may be considered where such data is relevant and where a sound actuarial basis exists for considering data other than Virginia-specific data.

B. 1. In making rates for the classes of insurance to which this chapter applies, separate consideration shall be given to (i) past and prospective loss experience within and outside this Commonwealth, (ii) conflagration or catastrophe hazards, (iii) a reasonable margin for underwriting profit and contingencies, (iv) dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers, (v) past and prospective expenses both countrywide and those specifically applicable to this Commonwealth, (vi) investment income earned or realized by insurers from their unearned premium and loss reserve and the Commission may give

separate consideration to investment income earned on surplus funds, (vii) the loss reserving practices, standards and procedures utilized by the insurer, and (viii) all other relevant factors within and outside this Commonwealth. When actual experience or data does not exist, the Commission may consider estimates.

2. In the case of fire insurance rates, consideration shall be given to the experience of the fire insurance business during a period of not less than the most recent five-year period for which such experience is available.

3. [Repealed.]

In the case of workers' compensation insurance rates for volunteer firefighters or volunteer ~~lifesaving or volunteer rescue squad members~~ *emergency medical services personnel* written through the Virginia Worker's Compensation Insurance Plan, the rates shall be calculated based upon the combined experience of both volunteer firefighters or volunteer ~~lifesaving or volunteer rescue squad members~~ *emergency medical services personnel* and paid firefighters or paid ~~lifesaving or paid rescue squad members~~ *emergency medical services personnel*, so that the resulting rate is the same for both volunteer and paid members, but in no event shall resulting premiums be less than ~~forty dollars~~ \$40 per year for any volunteer firefighter or ~~rescue squad member~~ *volunteer emergency medical services personnel*.

C. For the classes of insurance to which this chapter applies (i) the systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such insurer or group for any class of insurance, or for any subdivision or combination of insurance for which separate expense provisions apply, and (ii) risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans that establish standards for measuring variations in hazards, expense provisions, or both. The standards may measure any difference among risks that can be demonstrated to have a probable effect upon losses or expenses.

D. All rates, rating schedules or rating plans and every manual of classifications, rules and rates, including every modification thereof, approved by the Commission under this chapter, shall be used until a change is approved by the Commission.

**§ 38.2-2201. Provisions for payment of medical expense and loss of income benefits; assignment of certain benefits.**

A. Upon request of an insured, each insurer licensed in this Commonwealth issuing or delivering any policy or contract of bodily injury or property damage liability insurance covering liability arising from the ownership, maintenance or use of any motor vehicle shall provide on payment of the premium, as a minimum coverage (i) to persons occupying the insured motor vehicle; and (ii) to the named insured and, while resident of the named insured's household, the spouse and relatives of the named insured while in or upon, entering or alighting from or through being struck by a motor vehicle while not occupying a motor vehicle, the following health care and disability benefits for each accident:

1. All reasonable and necessary expenses for medical, chiropractic, hospital, dental, surgical, ~~ambulance~~, prosthetic and rehabilitation services, *services provided by an emergency medical services vehicle as defined in § 32.1-111.1*, and funeral expenses, resulting from the accident and incurred within three years after the date of the accident, up to \$2,000 per person; however, if the insured does not elect to purchase such limit the insurer and insured may agree to any other limit;

2. If the person is usually engaged in a remunerative occupation, an amount equal to the loss of income incurred after the date of the accident resulting from injuries received in the accident up to \$100 per week during the period from the first workday lost as a result of the accident up to the date the person is able to return to his usual occupation. However, the period shall not extend beyond one year from the date of the accident; and

3. An expense described in subdivision 1 shall be deemed to have been incurred:

a. If the insured is directly responsible for payment of the expense;

b. If the expense is paid by (i) a health care insurer pursuant to a negotiated contract with the health care provider or (ii) Medicaid or Medicare, where the actual payment with reference to the medical bill rendered by the provider is less than or equal to the provider's usual and customary fee, in the amount of the actual payment as evidenced by an explanation of benefits, remittance advice, or similar documentation from the health care provider; however, if the insured is required to make a payment in addition to the actual payment by the health care insurer or Medicaid or Medicare, the amount shall be increased by the payment made by the insured; or

c. If no medical bill is rendered or specific charge made by a health care provider to the insured, an insurer, or any other person, in the amount of the usual and customary fee charged in that community for the service rendered.

B. The insured has the option of purchasing either or both of the coverages set forth in subdivisions A 1 and A 2. Either or both of the coverages, as well as any other medical expense or loss of income

coverage under any policy of automobile liability insurance, shall be payable to the covered injured person or pursuant to an assignment of benefits in accordance with subsection D, notwithstanding the failure or refusal of the named insured or other person entitled to the coverage to give notice to the insurer of an accident as soon as practicable under the terms of the policy, except where the failure or refusal prejudices the insurer in establishing the validity of the claim.

C. In any policy of personal automobile insurance in which the insured has purchased coverage under subsection A, every insurer providing such coverage arising from the ownership, maintenance or use of no more than four motor vehicles shall be liable to pay up to the maximum policy limit available on every motor vehicle insured under that coverage if the health care or disability expenses and costs mentioned in subsection A exceed the limits of coverage for any one motor vehicle so insured.

D. Any attempt to assign medical expense benefits shall be subject to the following:

1. An assignment of medical expense benefits shall be valid only if:

a. A copy of the AOB form, executed by the assignor and in compliance with the other requirements of subdivision D 1 and a copy of the notice complying with subdivision g if such notice is provided in a separate document pursuant to subdivision e, is provided to the motor vehicle insurer;

b. The AOB form is (i) in writing, which includes any printed or electronic format, (ii) dated, and (iii) executed by the assignor;

c. The AOB form includes a conspicuous statement that the assignor is not required to execute the AOB form;

d. If the AOB form includes a notice that complies with the provisions of subdivision g, the AOB form is signed, initialed, or otherwise marked by the assignor, at or near the notice provision, to acknowledge that the assignor has read, or had the opportunity to read, the notice;

e. If the AOB form does not include a notice that complies with the provisions of subdivision g, (i) the assignor is given a separate document, in any printed or electronic format, that is delivered to the assignor at the same time as the AOB form and that contains a notice that complies with the provisions of subdivision g; (ii) the AOB form includes a conspicuous statement that a notice regarding the assignment of medical expense benefits is provided in a separate document; and (iii) the AOB form is signed, initialed, or otherwise marked by the assignor at or near the statement described in clause (ii) to acknowledge that the assignor has read, or had the opportunity to read, the separate document containing the notice;

f. The statements required by subdivision D 1 to be included in the AOB form or a separate document, including the notice prescribed by subdivision g, are in not less than eight-point type; and

g. The assignor is provided, either in the AOB form or in a separate document, a notice that summarizes the effect of the assignment of medical expense benefits, which notice states the following:

"Notice: automobile accident patients

If you have been in an automobile accident, you may be entitled to payment from your automobile insurance if you have medical expense benefits coverage. By signing this assignment of benefits form you are giving to your health care provider the right to receive some or all of that payment directly from your automobile insurance company.

If you have health insurance and your healthcare provider is in-network: as long as you provide information necessary to verify your health insurance coverage the healthcare provider may only bill the amount you owe for any copayment, coinsurance, or deductibles to your automobile insurance and you may be entitled to any remainder of your automobile insurance benefit.

If you do not provide information necessary to verify your health insurance coverage, do not have health insurance, or your healthcare provider is not in your health insurer's provider network: your health care provider may bill their full charges to your automobile insurance.

You may want to consult your insurance agent or attorney before signing or initialing this form. You are not required to sign/initial this form to receive care."

2. Upon receipt of a copy of an AOB form that satisfies the requirements of subdivision D 1 and (i) an explanation of benefits or remittance advice or (ii) a bill, claim form, or documentation from the assignee advising that it has been represented to the assignee that the covered injured person does not have health insurance or is covered by a self-insured or self-funded employee welfare benefit plan subject to the Employee Retirement Income Security Act of 1974 which requires medical expense coverage to be primary, a motor vehicle insurer shall pay directly to the health care provider, from any medical expense benefits available to such person under a motor vehicle insurance policy:

a. If the covered injured person is covered under a health care policy, the health care provider is an in-network provider, and the health care provider has submitted its claim to the health insurer for the health care services, the amount of any copayments, coinsurance, or deductibles owed by the injured covered person to the health care provider, as evidenced by an explanation of benefits, remittance advice, or similar documentation provided to the motor vehicle insurer; or

b. If (i) the covered injured person is not covered under a health care policy, (ii) the covered injured

person is covered by a self-insured or self-funded employee welfare benefit plan subject to the Employee Retirement Income Security Act of 1974 which requires medical expense coverage to be primary, or (iii) the health care provider is not an in-network provider, amounts to cover the cost of the health care services provided, in the amount of the usual and customary fee charged in that community for the health care services rendered;

3. A motor vehicle insurer shall in all respects be held harmless for making payments pursuant to subdivision D 2 to a health care provider in accordance with an assignment of benefits that satisfies the requirements of subdivision D 1;

4. A covered injured person shall not be required to assign to any person any medical expense benefits he may have under this section, including any assignment of the proceeds of such coverages;

5. An assignment of medical expense benefits shall be void and unenforceable as against public policy if the assignment does not comply with the requirements of subdivision D 1;

6. Medical expense benefits may not be reduced because of any benefits paid, payable, or provided by any insurance contract providing hospital, medical, surgical, and similar or related benefits, or any subscription contract or health services plan delivered or issued for delivery or providing for the payment of benefits to or on behalf of persons residing in or employed in the Commonwealth, except as authorized by this section; and

7. Nothing in this section shall prohibit the payment of medical expense benefits due to the covered injured person directly to any state or federal assistance program that has provided medical benefits to such injured person when the injury arose out of the ownership, maintenance, or use of any motor vehicle.

E. As used in subsection D:

"AOB form" means the document or instrument that contains a provision by which the assignor assigns medical expense benefits, including any assignment of the proceeds of such coverages, to an assignee. The AOB form may be a separate instrument or included in another instrument, including a consent form or a form assigning other benefits.

"Assignee" means the health care provider to which the assignor is assigning medical expense benefits, including any assignment of the proceeds of such coverages.

"Assignor" means the covered injured person or a person authorized to consent on the covered injured person's behalf.

"Health care policy" means any health care plan, subscription contract, evidence of coverage, certificate, health services plan, medical or hospital services plan, accident and sickness insurance policy or certificate, or other similar certificate, policy, contract, or arrangement, and any endorsement or rider thereto, offered, arranged, issued, or administered by a health insurer to an individual or a group contract holder to cover all or a portion of the cost of individuals, or their eligible dependents, receiving covered health care services. Health care policy includes coverages issued pursuant to (i) Chapter 28 (§ 2.2-2800 et seq.) of Title 2.2 (state employees); (ii) § 2.2-1204 (local choice); (iii) 5 U.S.C. § 8901 et seq. (federal employees); and (iv) an employee welfare benefit plan as defined in 29 U.S.C. § 1002(1) of the Employee Retirement Income Security Act of 1974 that is self-insured or self-funded. Health care policy does not include (a) coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare); Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid), or Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP); or Chapter 55 of Title 10 of the United States Code, 10 U.S.C. § 1071 et seq. (TRICARE); (b) subscription contracts for one or more dental or optometric services plans that are subject to Chapter 45 (§ 38.2-4500 et seq.); (c) insurance policies that provide coverage, singly or in combination, for death, dismemberment, disability, or hospital and medical care caused by or necessitated as a result of accident or specified kinds of accidents, including student accident, sports accident, blanket accident, specific accident, and accidental death and dismemberment policies; (d) credit life insurance and credit accident and sickness insurance issued pursuant to Chapter 37.1 (§ 38.2-3717 et seq.) of Title 38.2; (e) insurance policies that provide payments when an insured is disabled or unable to work because of illness, disease, or injury, including incidental benefits; (f) long-term care insurance as defined in § 38.2-5200; (g) plans providing only limited health care services under § 38.2-4300 unless offered by endorsement or rider to a group health benefit plan; (h) TRICARE supplement, Medicare supplement, and workers' compensation coverages; or (i) medical expense coverage issued pursuant to this section.

"Health care provider" has the same meaning that is ascribed to that term in § 8.01-581.1.

"Health care services" means items or services furnished to any individual for the purpose of preventing, alleviating, curing, or healing human illness, injury, or physical disability.

"Health insurer" means any entity that is the issuer or sponsor of a health care policy.

"In-network provider" means a health care provider that is employed by or has entered into a provider agreement with the health insurer that has issued the health care policy, under which applicable agreement the health care provider has agreed to provide health care services to covered patients.

3717 "Medical expense benefits" means the benefits of coverages described in subdivision A 1, including  
 3718 any assignment of the proceeds of such coverages.

3719 "Motor vehicle insurer" means the insurer issuing or delivering a policy or contract covering liability  
 3720 arising from the ownership, maintenance, or use of any motor vehicle that provides coverage for medical  
 3721 expense benefits.

3722 "Person authorized to consent on the covered injured person's behalf" means any person authorized  
 3723 by law to consent on behalf of the covered injured person incapable of making an informed decision or,  
 3724 in the case of a minor child, the parent or parents having custody of the child or the child's legal  
 3725 guardian or as otherwise provided by law.

3726 "Provider agreement" means a contract, agreement, or arrangement between a health care provider  
 3727 and a health insurer, or a health insurer's network, provider panel, intermediary, or representative, under  
 3728 which the health care provider has agreed to provide health care services to patients with coverage under  
 3729 a health care policy issued by the health insurer and to accept payment from the health insurer for the  
 3730 health care services provided.

3731 **§ 38.2-2202. Required notice of optional coverage available.**

3732 A. No original premium notice for insurance covering liability arising out of the ownership,  
 3733 maintenance, or use of any motor vehicle shall be issued or delivered unless it contains on the front of  
 3734 the premium notice or unless there is enclosed with the premium notice, in boldface type, the following  
 3735 statement:

3736 **IMPORTANT NOTICE**

3737 **IN ADDITION TO THE MINIMUM INSURANCE REQUIRED BY LAW, YOU MAY**  
 3738 **PURCHASE ADDITIONAL INSURANCE COVERAGE FOR THE NAMED INSURED AND FOR**  
 3739 **HIS RELATIVES WHO ARE MEMBERS OF HIS HOUSEHOLD WHILE IN OR UPON, ENTERING**  
 3740 **OR ALIGHTING FROM A MOTOR VEHICLE, OR THROUGH BEING STRUCK BY A MOTOR**  
 3741 **VEHICLE WHILE NOT OCCUPYING A MOTOR VEHICLE, AND FOR OCCUPANTS OF THE**  
 3742 **INSURED MOTOR VEHICLE. THE FOLLOWING HEALTH CARE AND DISABILITY BENEFITS**  
 3743 **ARE AVAILABLE FOR EACH ACCIDENT:**

3744 1. PAYMENT OF UP TO \$2,000 PER PERSON FOR ALL REASONABLE AND NECESSARY  
 3745 EXPENSES FOR MEDICAL, CHIROPRACTIC, HOSPITAL, DENTAL, SURGICAL, ~~AMBULANCE,~~  
 3746 PROSTHETIC AND REHABILITATION SERVICES, *SERVICES PROVIDED BY AN EMERGENCY*  
 3747 *MEDICAL SERVICES VEHICLE AS DEFINED IN § 32.1-111.1,* AND FUNERAL EXPENSES  
 3748 RESULTING FROM THE ACCIDENT AND INCURRED WITHIN THREE YEARS AFTER THE  
 3749 DATE OF THE ACCIDENT. HOWEVER, IF YOU DO NOT PURCHASE THE \$2,000 LIMIT OF  
 3750 COVERAGE, YOU AND THE COMPANY MAY AGREE TO ANY OTHER LIMIT; AND

3751 2. AN AMOUNT EQUAL TO THE LOSS OF INCOME UP TO \$100 PER WEEK IF THE  
 3752 INJURED PERSON IS ENGAGED IN AN OCCUPATION FOR WHICH HE RECEIVES  
 3753 COMPENSATION, FROM THE FIRST WORKDAY LOST AS A RESULT OF THE ACCIDENT UP  
 3754 TO THE DATE THE PERSON IS ABLE TO RETURN TO HIS USUAL OCCUPATION. SUCH  
 3755 PAYMENTS ARE LIMITED TO A PERIOD EXTENDING ONE YEAR FROM THE DATE OF THE  
 3756 ACCIDENT.

3757 IF YOU DESIRE TO PURCHASE EITHER OR BOTH OF THESE COVERAGES AT AN  
 3758 ADDITIONAL PREMIUM, YOU MAY DO SO BY CONTACTING THE AGENT OR COMPANY  
 3759 THAT ISSUED YOUR POLICY.

3760 The insurer issuing the premium notice shall inform the insured by any reasonable means of  
 3761 communication of the approximate premium for the additional coverage.

3762 B. No new policy or original premium notice of insurance covering liability arising out of the  
 3763 ownership, maintenance, or use of any motor vehicle shall be issued or delivered unless it contains the  
 3764 following statement printed in boldface type, or unless the statement is attached to the front of or is  
 3765 enclosed with the policy or premium notice:

3766 **IMPORTANT NOTICE**

3767 **IN ADDITION TO THE INSURANCE COVERAGE REQUIRED BY LAW TO PROTECT YOU**  
 3768 **AGAINST A LOSS CAUSED BY AN UNINSURED MOTORIST, IF YOU HAVE PURCHASED**  
 3769 **LIABILITY INSURANCE COVERAGE THAT IS HIGHER THAN THAT REQUIRED BY LAW TO**  
 3770 **PROTECT YOU AGAINST LIABILITY ARISING OUT OF THE OWNERSHIP, MAINTENANCE,**  
 3771 **OR USE OF THE MOTOR VEHICLES COVERED BY THIS POLICY, AND YOU HAVE NOT**  
 3772 **ALREADY PURCHASED UNINSURED MOTORIST INSURANCE COVERAGE EQUAL TO YOUR**  
 3773 **LIABILITY INSURANCE COVERAGE:**

3774 1. YOUR UNINSURED AND UNDERINSURED MOTORIST INSURANCE COVERAGE HAS  
 3775 INCREASED TO THE LIMITS OF YOUR LIABILITY COVERAGE AND THIS INCREASE WILL  
 3776 COST YOU AN EXTRA PREMIUM CHARGE; AND

3777 2. YOUR TOTAL PREMIUM CHARGE FOR YOUR MOTOR VEHICLE INSURANCE

COVERAGE WILL INCREASE IF YOU DO NOT NOTIFY YOUR AGENT OR INSURER OF YOUR DESIRE TO REDUCE COVERAGE WITHIN 20 DAYS OF THE MAILING OF THE POLICY OR THE PREMIUM NOTICE, AS THE CASE MAY BE. THE INSURER MAY REQUIRE THAT SUCH A REQUEST TO REDUCE COVERAGE BE IN WRITING.

3. IF THIS IS A NEW POLICY AND YOU HAVE ALREADY SIGNED A WRITTEN REJECTION OF SUCH HIGHER LIMITS IN CONNECTION WITH IT, PARAGRAPHS 1 AND 2 OF THIS NOTICE DO NOT APPLY.

After ~~twenty~~ 20 days, the insurer shall be relieved of the obligation imposed by this subsection to attach or imprint the foregoing statement to any subsequently delivered renewal policy, extension certificate, other written statement of coverage continuance, or to any subsequently mailed premium notice.

**§ 38.2-3407.9. Reimbursement for emergency medical services vehicle transportation services.**

A. If an accident and sickness insurance policy provides coverage for ~~ambulance~~ services *provided by an emergency medical services vehicle*, any person providing such services to a person covered under such policy shall receive reimbursement for such services directly from the issuer of such policy, when the issuer of such policy is presented with an assignment of benefits by the person providing such services.

B. No (i) insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical or major medical coverage on an expense-incurred basis, (ii) corporation providing individual or group accident and sickness subscription contracts, or (iii) health maintenance organization providing a health care plan for health care services shall establish or promote an emergency medical response and transportation system that encourages or directs access by a person covered under such policy, contract or plan in competition with or in substitution of an emergency 911 system or other state, county or municipal emergency medical system for ~~ambulance~~ services *provided by an emergency medical services vehicle*. An entity subject to this subsection may use transportation outside an emergency 911 system or other state, county or municipal emergency medical system for services that are not ~~ambulance~~ services *provided by an emergency medical services vehicle*.

C. For the purposes of this section, "~~ambulance~~ services *provided by an emergency medical services vehicle*" means the transportation of any person requiring resuscitation or emergency relief or where human life is endangered, by means of any ~~ambulance, rescue or life-saving~~ *emergency medical services vehicle* designed or used principally for such purposes. ~~Such term includes emergency medical services ambulances and mobile intensive care units.~~ No (i) insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical or major medical coverage on an expense-incurred basis, (ii) corporation providing individual or group accident and sickness subscription contracts, or (iii) health maintenance organization providing a health care plan for health care services shall require a person covered under such policy, contract or plan to obtain prior authorization before accessing an emergency 911 system or other state, county or municipal emergency medical system for ~~ambulance~~ services *provided by an emergency medical services vehicle*.

**§ 40.1-79.01. Exemptions from chapter generally.**

A. Nothing in this chapter, except the provisions of §§ 40.1-100 A, 40.1-100.1, 40.1-100.2, and 40.1-103, shall apply to:

1. A child engaged in domestic work when such work is performed in connection with the child's own home and directly for his parent or a person standing in place of his parent;

2. A child employed in occasional work performed outside school hours where such work is in connection with the employer's home but not in connection with the employer's business, trade, or profession;

3. A child 12 or 13 years of age employed outside school hours on farms, in orchards or in gardens with the consent of his parent or a person standing in place of his parent;

4. A child between the ages of 12 and 18 employed as a page or clerk for either the House of Delegates or the Senate of Virginia;

5. A child participating in the activities of a volunteer ~~rescue squad~~ *emergency medical services agency*;

6. A child under 16 years of age employed by his parent in an occupation other than manufacturing; or

7. A child 12 years of age or older employed by an eleemosynary organization or unit of state or local government as a referee for sports programs sponsored by that eleemosynary, state, or local organization or by an organization of referees sponsored by an organization recognized by the United States Olympic Committee under 36 U.S.C. § 220522.

B. Nothing in this chapter, except §§ 40.1-100.1, 40.1-100.2, and 40.1-103, shall be construed to apply to a child employed by his parent or a person standing in place of his parent on farms, in orchards or in gardens owned or operated by such parent or person.

**§ 40.1-103. Cruelty and injuries to children; penalty; abandoned infant.**

A. It shall be unlawful for any person employing or having the custody of any child willfully or negligently to cause or permit the life of such child to be endangered or the health of such child to be injured, or willfully or negligently to cause or permit such child to be placed in a situation that its life, health or morals may be endangered, or to cause or permit such child to be overworked, tortured, tormented, mutilated, beaten or cruelly treated. Any person violating this section ~~shall be~~ *is* guilty of a Class 6 felony.

B. If a prosecution under this section is based solely on the accused parent having left the child at a hospital or ~~rescue squad emergency medical services agency~~, it shall be an affirmative defense to prosecution of a parent under this section that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended ~~rescue squad emergency medical services agency~~ that employs emergency medical ~~technicians services personnel~~, within the first 14 days of the child's life. In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably calculated to ensure the child's safety.

**§ 44-146.28. Authority of Governor and agencies under his control in declared state of emergency.**

(a) In the case of a declaration of a state of emergency as defined in § 44-146.16, the Governor is authorized to expend from all funds of the state treasury not constitutionally restricted, a sum sufficient. Allotments from such sum sufficient may be made by the Governor to any state agency or political subdivision of the Commonwealth to carry out disaster service missions and responsibilities. Allotments may also be made by the Governor from the sum sufficient to provide financial assistance to eligible applicants located in an area declared to be in a state of emergency, but not declared to be a major disaster area for which federal assistance might be forthcoming. This shall be considered as a program of last resort for those local jurisdictions that cannot meet the full cost.

The Virginia Department of Emergency Management shall establish guidelines and procedures for determining whether and to what extent financial assistance to local governments may be provided.

The guidelines and procedures shall include, but not be limited to, the following:

(1) Participants may be eligible to receive financial assistance to cover a percentage of eligible costs if they demonstrate that they are incapable of covering the full cost. The percentage may vary, based on the Commission on Local Government's fiscal stress index. The cumulative effect of recent disasters during the preceding twelve months may also be considered for eligibility purposes.

(2) Only eligible participants that have sustained an emergency or disaster as defined in § 44-146.16 with total eligible costs of four dollars or more per capita may receive assistance except that (i) any town with a total population of less than 3,500 shall be eligible for disaster assistance for incurred eligible damages of \$15,000 or greater and (ii) any town with a population of 3,500 or more, but less than 5,000 shall be eligible for disaster assistance for incurred eligible damages of \$20,000 or greater and (iii) any town with a population of 5,000 or greater with total eligible costs of four dollars or more per capita may receive assistance. No site or facility may be included with less than \$1,000 in eligible costs. However, the total cost of debris clearance may be considered as costs associated with a single site.

(3) Eligible participants shall be fully covered by all-risk property and flood insurance policies, including provisions for insuring the contents of the property and business interruptions, or shall be self-insured, in order to be eligible for this assistance. Insurance deductibles shall not be covered by this program.

(4) Eligible costs incurred by towns, public service authorities, volunteer fire departments and volunteer ~~rescue squads emergency medical services agencies~~ may be included in a county's or city's total costs.

(5) Unless otherwise stated in guidelines and procedures, eligible costs are defined as those listed in the Public Assistance component of Public Law 93-288, as amended, excluding beach replenishment and snow removal.

(6) State agencies, as directed by the Virginia Department of Emergency Management, shall conduct an on-site survey to validate damages and to document restoration costs.

(7) Eligible participants shall maintain complete documentation of all costs in a manner approved by the Auditor of Public Accounts and shall provide copies of the documentation to the Virginia Department of Emergency Management upon request.

If a jurisdiction meets the criteria set forth in the guidelines and procedures, but is in an area that has neither been declared to be in a state of emergency nor been declared to be a major disaster area for which federal assistance might be forthcoming, the Governor is authorized, in his discretion, to make an allotment from the sum sufficient to that jurisdiction without a declaration of a state of emergency, in the same manner as if a state of emergency declaration had been made.

The Governor shall report to the Chairmen of the Senate Finance Committee, the House



Appropriations Committee, and the House Finance Committee within thirty days of authorizing the sum sufficient pursuant to this section. The Virginia Department of Emergency Management shall report annually to the General Assembly on the local jurisdictions that received financial assistance and the amount each jurisdiction received.

(b) Public agencies under the supervision and control of the Governor may implement their emergency assignments without regard to normal procedures (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials and expenditures of public funds.

(c) Allotments may be made by the Governor from a sum sufficient to provide financial assistance to Virginia state agencies and political subdivisions responding to a declared state of emergency in another state as provided by § 44-146.17, whether or not a state of emergency is declared in the Commonwealth pursuant to § 44-146.16.

(d) Allotments may be made by the Governor from a sum sufficient for the deployment of personnel and materials for the Virginia National Guard and the Virginia Defense Force to prepare for a response to any of the circumstances set forth in subdivisions A 1 through A 5 of § 44-75.1, whether or not a state of emergency is declared in the Commonwealth pursuant to § 44-146.16. However, preparation authorized by this subsection shall be limited to the deployment of no more than 300 personnel, and shall be limited to no more than five days, unless a state of emergency is declared.

**§ 45.1-161.199. Certified emergency medical services providers.**

At least one person who is a working coal miner and who has been certified by the State Board of Health as possessing the qualifications of an emergency medical technician or holds a valid certificate as an emergency medical services first responder provider issued by the Commissioner of the Department of Health shall be located so as to be available for duty at each mine when miners are working at that mine. Such emergency medical services personnel providers shall be utilized in sufficient numbers to assure that workers in any mine location can be reached by them within such reasonable time as is determined by the Chief. Emergency medical services personnel providers shall have available to them at all times the necessary equipment, as specified by the Chief, for prompt response to emergencies. In the event that at any time there is at any mine an insufficient number of qualified miners volunteering to serve as emergency medical services personnel providers as provided for in this section, the operator may elect to utilize the services of first aid trainees, in such numbers as the Chief determines to be appropriate. Telephone or equivalent facilities shall be installed to provide two-way voice communication between the emergency medical services personnel providers and medical personnel outside the mine.

**§ 46.2-208. Records of Department; when open for inspection; release of privileged information.**

A. All records in the office of the Department containing the specific classes of information outlined below shall be considered privileged records:

1. Personal information, including all data defined as "personal information" in § 2.2-3801;
2. Driver information, including all data that relates to driver's license status and driver activity; and
3. Vehicle information, including all descriptive vehicle data and title, registration, and vehicle activity data.

B. The Commissioner shall release such information only under the following conditions:

1. Notwithstanding other provisions of this section, medical data included in personal data shall be released only to a physician, physician assistant, or nurse practitioner as provided in § 46.2-322.

2. Insurance data may be released as specified in §§ 46.2-372, 46.2-380, and 46.2-706.

3. Notwithstanding other provisions of this section, information disclosed or furnished shall be assessed a fee as specified in § 46.2-214.

4. When the person requesting the information is (i) the subject of the information, (ii) the parent or guardian of the subject of the information, (iii) the authorized representative of the subject of the information, or (iv) the owner of the vehicle that is the subject of the information, the Commissioner shall provide him with the requested information and a complete explanation of it. Requests for such information need not be made in writing or in person and may be made orally or by telephone, provided that the Department is satisfied that there is adequate verification of the requester's identity. When so requested in writing by (a) the subject of the information, (b) the parent or guardian of the subject of the information, (c) the authorized representative of the subject of the information, or (d) the owner of the vehicle that is the subject of the information, the Commissioner shall verify and, if necessary, correct the personal information provided and furnish driver and vehicle information in the form of an abstract of the record.

5. On the written request of any insurance carrier, surety, or representative of an insurance carrier or surety, the Commissioner shall furnish such insurance carrier, surety, or representative an abstract of the record of any person subject to the provisions of this title. The abstract shall include any record of any

conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which he was involved and a report of which is required by § 46.2-372. No such report of any conviction or accident shall be made after 60 months from the date of the conviction or accident unless the Commissioner or court used the conviction or accident as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or accident pertaining thereto shall not be reported after 60 months from the date that the driver's license or driving privilege has been reinstated. This abstract shall not be admissible in evidence in any court proceedings.

6. On the written request of any business organization or its agent, in the conduct of its business, the Commissioner shall compare personal information supplied by the business organization or agent with that contained in the Department's records and, when the information supplied by the business organization or agent is different from that contained in the Department's records, provide the business organization or agent with correct information as contained in the Department's records. Personal information provided under this subdivision shall be used solely for the purpose of pursuing remedies that require locating an individual.

7. The Commissioner shall provide vehicle information to any business organization or agent on such business' or agent's written request. Disclosures made under this subdivision shall not include any personal information and shall not be subject to the limitations contained in subdivision 6 of this subsection.

8. On the written request of any motor vehicle rental or leasing company or its designated agent, the Commissioner shall (i) compare personal information supplied by the company or agent with that contained in the Department's records and, when the information supplied by the company or agent is different from that contained in the Department's records, provide the company or agent with correct information as contained in the Department's records and (ii) provide the company or agent with driver information in the form of an abstract of any person subject to the provisions of this title. Such abstract shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which the subject of the abstract was involved and a report of which is required by § 46.2-372. No such abstract shall include any record of any conviction or accident more than 60 months after the date of such conviction or accident unless the Commissioner or court used the conviction or accident as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or accident pertaining thereto shall cease to be included in such abstract after 60 months from the date on which the driver's license or driving privilege was reinstated. No abstract released under this subdivision shall be admissible in evidence in any court proceedings.

9. On the request of any federal, state, or local governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, the Commissioner shall (i) compare personal information supplied by the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, with that contained in the Department's records and, when the information supplied by the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, is different from that contained in the Department's records, provide the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, with correct information as contained in the Department's records and (ii) provide driver and vehicle information in the form of an abstract of the record showing all convictions, accidents, driver's license suspensions or revocations, and other appropriate information as the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, may require in order to carry out its official functions. The abstract shall be provided free of charge.

10. On request of the driver licensing authority in any other state or foreign country, the Commissioner shall provide whatever classes of information the requesting authority shall require in order to carry out its official functions. The information shall be provided free of charge.

11. On the written request of any employer, prospective employer, or authorized agent of either, and with the written consent of the individual concerned, the Commissioner shall (i) compare personal information supplied by the employer, prospective employer, or agent with that contained in the Department's records and, when the information supplied by the employer, prospective employer, or agent is different from that contained in the Department's records, provide the employer, prospective employer, or agent with correct information as contained in the Department's records and (ii) provide the employer, prospective employer, or agent with driver information in the form of an abstract of an individual's record showing all convictions, accidents, driver's license suspensions or revocations, and

any type of driver's license that the individual currently possesses, provided that the individual's position or the position that the individual is being considered for involves the operation of a motor vehicle.

12. On the written request of any member of or applicant for membership in a volunteer fire company or *any volunteer emergency medical services personnel or applicant to serve as volunteer rescue squad emergency medical services personnel*, the Commissioner shall (i) compare personal information supplied by the volunteer fire company or volunteer *rescue squad emergency medical services agency* with that contained in the Department's records and, when the information supplied by the volunteer fire company or volunteer *rescue squad emergency medical services agency* is different from that contained in the Department's records, provide the volunteer fire company or volunteer *rescue squad emergency medical services agency* with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the member's, *personnel*, or applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided free of charge if the request is accompanied by appropriate written evidence that the person is a member of or applicant for membership in a volunteer fire company or a volunteer *rescue squad emergency medical services agency to serve as a member of a volunteer emergency medical services agency* and the abstract is needed by a volunteer fire company or volunteer *rescue squad emergency medical services agency* to establish the qualifications of the member, *volunteer*, or applicant to operate equipment owned by the volunteer fire company or volunteer *rescue squad emergency medical services agency*.

13. On the written request of any person who has applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America, the Commissioner shall (i) compare personal information supplied by a Virginia affiliate of Big Brothers/Big Sisters of America with that contained in the Department's records and, when the information supplied by a Virginia affiliate of Big Brothers/Big Sisters of America is different from that contained in the Department's records, provide the Virginia affiliate of Big Brothers/Big Sisters of America with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America.

14. On the written request of any person who has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153, the Commissioner shall provide an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided free of charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153.

15. Upon the request of any employer, prospective employer, or authorized representative of either, the Commissioner shall (i) compare personal information supplied by the employer, prospective employer, or agent with that contained in the Department's records and, when the information supplied by the employer, prospective employer, or agent is different from that contained in the Department's records, provide the employer, prospective employer, or agent with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the driving record of any individual who has been issued a commercial driver's license, provided that the individual's position or the position that the individual is being considered for involves the operation of a commercial motor vehicle. Such abstract shall show all convictions, accidents, license suspensions, revocations, or disqualifications, and any type of driver's license that the individual currently possesses.

16. Upon the receipt of a completed application and payment of applicable processing fees, the Commissioner may enter into an agreement with any governmental authority or business to exchange information specified in this section by electronic or other means.

17. Upon the request of an attorney representing a person in a motor vehicle accident, the Commissioner shall provide vehicle information, including the owner's name and address, to the attorney.

18. Upon the request, in the course of business, of any authorized representative of an insurance company or of any not-for-profit entity organized to prevent and detect insurance fraud, or perform rating and underwriting activities, the Commissioner shall provide to such person (i) all vehicle information, including the owner's name and address, descriptive data and title, registration, and vehicle activity data as requested or (ii) all driver information including name, license number and classification, date of birth, and address information for each driver under the age of 22 licensed in the Commonwealth of Virginia meeting the request criteria designated by such person, with such request criteria consisting of driver's license number or address information. No such information shall be used for solicitation of sales, marketing, or other commercial purposes.

19. Upon the request of an officer authorized to issue criminal warrants, for the purpose of issuing a warrant for arrest for unlawful disposal of trash or refuse in violation of § 33.2-802 the Commissioner shall provide vehicle information, including the owner's name and address.

20. Upon written request of the compliance agent of a private security services business, as defined in § 9.1-138, which is licensed by the Department of Criminal Justice Services, the Commissioner shall provide the name and address of the owner of the vehicle under procedures determined by the Commissioner.

21. Upon the request of the operator of a toll facility or traffic light photo-monitoring system acting on behalf of a government entity, or of the Dulles Access Highway, or an authorized agent or employee of a toll facility operator or traffic light photo-monitoring system operator acting on behalf of a government entity or the Dulles Access Highway, for the purpose of obtaining vehicle owner data under subsection L of § 46.2-819.1 or subsection H of § 15.2-968.1 or subsection N of § 46.2-819.5. Information released pursuant to this subdivision shall be limited to the name and address of the registered owner of the vehicle having failed to pay a toll or having failed to comply with a traffic light signal or having improperly used the Dulles Access Highway and the vehicle information, including all descriptive vehicle data and title and registration data of the same vehicle.

22. On the written request of any person who has applied to be a volunteer with a Virginia affiliate of Compeer, the Commissioner shall (i) compare personal information supplied by a Virginia affiliate of Compeer with that contained in the Department's records and, when the information supplied by a Virginia affiliate of Compeer is different from that contained in the Department's records, provide the Virginia affiliate of Compeer with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a Virginia affiliate of Compeer.

23. Upon the request of the Department of Environmental Quality for the purpose of obtaining vehicle owner data in connection with enforcement actions involving on-road testing of motor vehicles, pursuant to § 46.2-1178.1.

24. On the written request of any person who has applied to be a volunteer vehicle operator with a Virginia chapter of the American Red Cross, the Commissioner shall (i) compare personal information supplied by a Virginia chapter of the American Red Cross with that contained in the Department's records and, when the information supplied by a Virginia chapter of the American Red Cross is different from that contained in the Department's records, provide the Virginia chapter of the American Red Cross with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of the American Red Cross.

25. On the written request of any person who has applied to be a volunteer vehicle operator with a Virginia chapter of the Civil Air Patrol, the Commissioner shall (i) compare personal information supplied by a Virginia chapter of the Civil Air Patrol with that contained in the Department's records and, when the information supplied by a Virginia chapter of the Civil Air Patrol is different from that contained in the Department's records, provide the Virginia chapter of the Civil Air Patrol with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of the Civil Air Patrol.

26. On the written request of any person who has applied to be a volunteer vehicle operator with Faith in Action, the Commissioner shall (i) compare personal information supplied by Faith in Action with that contained in the Department's records and, when the information supplied by Faith in Action is different from that contained in the Department's records, provide Faith in Action with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with Faith in Action.

27. On the written request of the surviving spouse or child of a deceased person or the executor or

4144 administrator of a deceased person's estate, the Department shall, if the deceased person had been issued  
 4145 a driver's license or special identification card by the Department, supply the requestor with a hard copy  
 4146 image of any photograph of the deceased person kept in the Department's records.

4147 28. On the written request of any person who has applied to be a volunteer with a Virginia Council  
 4148 of the Girl Scouts of the USA, the Commissioner shall (i) compare personal information supplied by a  
 4149 Virginia Council of the Girl Scouts of the USA with that contained in the Department's records and,  
 4150 when the information supplied by a Virginia Council of the Girl Scouts of the USA is different from  
 4151 that contained in the Department's records, provide a Virginia Council of the Girl Scouts of the USA  
 4152 with correct information as contained in the Department's records and (ii) provide driver information in  
 4153 the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions  
 4154 or revocations, and any type of driver's license that the individual currently possesses. Such abstract  
 4155 shall be provided at a fee that is one-half the normal charge if the request is accompanied by  
 4156 appropriate written evidence that the person has applied to be a volunteer with the Virginia Council of  
 4157 the Girl Scouts of the USA.

4158 C. Whenever the Commissioner issues an order to suspend or revoke the driver's license or driving  
 4159 privilege of any individual, he may notify the National Driver Register Service operated by the United  
 4160 States Department of Transportation and any similar national driver information system and provide  
 4161 whatever classes of information the authority may require.

4162 D. Accident reports may be inspected under the provisions of §§ 46.2-379 and 46.2-380.

4163 E. Whenever the Commissioner takes any licensing action pursuant to the provisions of the Virginia  
 4164 Commercial Driver's License Act (§ 46.2-341.1 et seq.), he may provide information to the Commercial  
 4165 Driver License Information System, or any similar national commercial driver information system,  
 4166 regarding such action.

4167 F. In addition to the foregoing provisions of this section, vehicle information may also be inspected  
 4168 under the provisions of §§ 46.2-633, 46.2-644.02, 46.2-644.03, and §§ 46.2-1200.1 through 46.2-1237.

4169 G. The Department may promulgate regulations to govern the means by which personal, vehicle, and  
 4170 driver information is requested and disseminated.

4171 H. Driving records of any person accused of an offense involving the operation of a motor vehicle  
 4172 shall be provided by the Commissioner upon request to any person acting as counsel for the accused. If  
 4173 such counsel is from the public defender's office or has been appointed by the court, such records shall  
 4174 be provided free of charge.

4175 I. The Department shall maintain the records of persons convicted of violations of § 18.2-36.2,  
 4176 subsection B of § 29.1-738, and §§ 29.1-738.02, 29.1-738.2, and 29.1-738.4 which shall be forwarded by  
 4177 every general district court or circuit court or the clerk thereof, pursuant to § 46.2-383. Such records  
 4178 shall be electronically available to any law-enforcement officer as provided for under clause (ii) of  
 4179 subdivision B 9.

4180 J. Whenever the Commissioner issues a certificate of title for a motor vehicle, he may notify the  
 4181 National Motor Vehicle Title Information System, or any other nationally recognized system providing  
 4182 similar information, or any entity contracted to collect information for such system, and may provide  
 4183 whatever classes of information are required by such system.

4184 **§ 46.2-334.01. Licenses issued to persons less than 19 years old subject to certain restrictions.**

4185 A. Any learner's permit or driver's license issued to any person less than 18 years old shall be  
 4186 subject to the following:

4187 1. Notwithstanding the provisions of § 46.2-498, whenever the driving record of a person less than  
 4188 19 years old shows that he has been convicted of committing, when he was less than 18 years old, (i)  
 4189 an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et  
 4190 seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et  
 4191 seq.) of Chapter 10, the Commissioner shall direct such person to attend a driver improvement clinic.  
 4192 No safe driving points shall be awarded for such clinic attendance, nor shall any safe driving points be  
 4193 awarded for voluntary or court-assigned clinic attendance. Such person's parent, guardian, legal  
 4194 custodian, or other person standing in loco parentis may attend such clinic and receive a reduction in  
 4195 demerit points and/or an award of safe driving points pursuant to § 46.2-498. The provisions of this  
 4196 subdivision shall not be construed to prohibit awarding of safe driving points to a person less than 18  
 4197 years old who attends and successfully completes a driver improvement clinic without having been  
 4198 directed to do so by the Commissioner or required to do so by a court.

4199 2. If any person less than 19 years old is convicted a second time of committing, when he was less  
 4200 than 18 years old, (i) an offense for which demerit points have been assessed or are assessable under  
 4201 Article 19 (§ 46.2-489 et seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or  
 4202 Article 13 (§ 46.2-1095 et seq.) of Chapter 10, the Commissioner shall suspend such person's driver's  
 4203 license or privilege to operate a motor vehicle for 90 days. Such suspension shall be consecutive to, and  
 4204 not concurrent with, any other period of license suspension, revocation, or denial. Any person who has

had his driver's license or privilege to operate a motor vehicle suspended in accordance with this subdivision may petition the juvenile and domestic relations district court of his residence for a restricted license to authorize such person to drive a motor vehicle in the Commonwealth to and from his home, his place of employment, or an institution of higher learning where he is enrolled, provided there is no other means of transportation by which such person may travel between his home and his place of employment or the institution of higher learning where he is enrolled. On such petition the court may, in its discretion, authorize the issuance of a restricted license for a period not to exceed the term of the suspension of the person's license or privilege to operate a motor vehicle in the Commonwealth. Such restricted license shall be valid solely for operation of a motor vehicle between such person's home and his place of employment or the institution of higher learning where he is enrolled.

3. If any person is convicted a third time of committing, when he was less than 18 years old, (i) an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et seq.) of Chapter 10, the Commissioner shall revoke such person's driver's license or privilege to operate a motor vehicle for one year or until such person reaches the age of 18 years, whichever is longer. Such revocation shall be consecutive to, and not concurrent with, any other period of license suspension, revocation, or denial.

4. In no event shall any person subject to the provisions of this section be subject to the suspension or revocation provisions of subdivision 2 or 3 for multiple convictions arising out of the same transaction or occurrence.

B. The initial license issued to any person younger than 18 years of age shall be deemed a provisional driver's license. Until the holder is 18 years old, a provisional driver's license shall not authorize its holder to operate a motor vehicle with more than one passenger who is less than 21 years old, unless the driver is accompanied by a parent or person acting in loco parentis provided that such person accompanying the driver is occupying the seat beside the driver and is lawfully permitted to operate a motor vehicle at the time. After the first year the provisional license is issued the holder may operate a motor vehicle with up to three passengers who are less than 21 years old when (i) the holder is driving to or from a school-sponsored activity, or (ii) a licensed driver who is at least 21 years old is occupying the seat beside the driver, or (iii) in cases of emergency. This passenger limitation, however, shall not apply to members of the driver's family or household. For the purposes of this subsection, "a member of the driver's family or household" means any of the following: (a) the driver's spouse, children, stepchildren, brothers, sisters, half-brothers, half-sisters, and any individual who has a child in common with the driver, whether or not they reside in the same home with the driver; (b) the driver's brothers-in-law and sisters-in-law who reside in the same home with the driver; and (c) any individual who cohabits with the driver, and any children of such individual residing in the same home with the driver.

C. The holder of a provisional driver's license shall not operate a motor vehicle on the highways of the Commonwealth between the hours of midnight and 4:00 a.m. except when driving (i) to or from a place of business where he is employed; (ii) to or from an activity that is supervised by an adult and is sponsored by a school or by a civic, religious, or public organization; (iii) accompanied by a parent, a person acting in loco parentis, or by a spouse who is 18 years old or older, provided that such person accompanying the driver is actually occupying a seat beside the driver and is lawfully permitted to operate a motor vehicle at the time; or (iv) in cases of emergency, including response by volunteer firefighters and volunteer ~~rescue squad~~ *emergency medical services* personnel to emergency calls.

C1. Except in a driver emergency or when the vehicle is lawfully parked or stopped, the holder of a provisional driver's license shall not operate a motor vehicle on the highways of the Commonwealth while using any cellular telephone or any other wireless telecommunications device, regardless of whether such device is or is not hand-held.

D. The provisional driver's license restrictions in subsections B, C, and C1 shall expire on the holder's eighteenth birthday. A violation of the provisional driver's license restrictions in either subsection B, C, or C1 shall constitute a traffic infraction. For a second or subsequent violation of the provisional driver's license restrictions in either subsection B, C, or C1, in addition to any other penalties that may be imposed pursuant to § 16.1-278.10, the court may suspend the juvenile's privilege to drive for a period not to exceed six months.

E. A violation of subsection B, C, or C1 shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this subsection change any existing law, rule, or procedure pertaining to any such civil action.

F. No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of

this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute.

**§ 46.2-502. Clinic fees.**

A. The Department and all businesses, organizations, governmental entities or individuals certified by the Department to provide driver improvement clinic instruction may charge a fee not to exceed \$100, which shall include the processing fee set forth in subsection B of this section, to persons notified by the Department to attend a driver improvement clinic. No person shall be permitted to attend a driver improvement clinic unless the person first pays the required attendance fee to the business, organization, governmental entity or individual providing the driver improvement clinic instruction.

B. All businesses, organizations, governmental entities or individuals certified by the Department to provide driver improvement clinic instruction shall collect for the Department a processing fee of \$10 from each person attending a driver improvement clinic taught by such businesses, organizations, governmental entities or individuals. Such processing fee payments shall accompany the clinic rosters submitted to the Department by such businesses, organizations, governmental entities or individuals. No such processing fee, however, shall be required or collected from members of volunteer ~~rescue~~ *rescue squads emergency medical services agencies* and volunteer fire departments who attend such clinics in order to successfully complete training for emergency vehicle operation. All fees collected by the Department under this subsection shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

**§ 46.2-644.2. Department's records; fees; exemption.**

The Department shall maintain a record of any certificate of title it issued under this article. Fees to be paid to the Department for issuance of such certificates of title shall be the same as those imposed for the titling of motor vehicles pursuant to § 46.2-627.

Any all-terrain vehicle or off-road motorcycle purchased and used by a nonprofit volunteer ~~rescue~~ *rescue squad emergency medical services agency* shall be exempt from fees imposed under this section.

**§ 46.2-649.1:1. Registration of vehicles owned and used by volunteer fire departments or volunteer emergency medical services agencies.**

Upon application therefor, the Commissioner shall register and issue permanent license plates without year or month decals for display on any (i) firefighting truck, trailer, and semitrailer on which firefighting apparatus is permanently attached when any such vehicle is owned or under exclusive control of a volunteer fire department or (ii) ~~ambulance~~ *ambulance emergency medical services vehicle* or other vehicle owned or used exclusively by a volunteer fire department or volunteer ~~lifesaving or first aid crew or rescue squad~~ *lifesaving or first aid emergency medical services agency* if any such vehicle is used exclusively as an ~~ambulance or lifesaving and first aid emergency medical services vehicle~~ and is not rented, leased, or lent to any private individual, firm, or corporation, and no charge is made by the organization for the use of the vehicle. The equipment shall be painted a distinguishing color and conspicuously display in letters and figures not less than three inches in height the identity of the volunteer fire department; ~~lifesaving or first aid crew or rescue squad or volunteer emergency medical services agency~~ having control of its operation.

No fee shall be charged for any vehicle registration or license plate issuance under this section.

**§ 46.2-694. (Contingent expiration date) Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.**

A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the transportation of passengers on the highways in the Commonwealth are:

1. Thirty-three dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

2. Thirty-eight dollars for each passenger car or motor home which weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than 10 adults, including the driver, if the private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human

4327 beings.

4328 6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle,  
 4329 trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate.  
 4330 Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed  
 4331 in subdivision 7 on submission to the Commissioner of a declaration of operations and equipment as he  
 4332 may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

4333 7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle,  
 4334 trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed  
 4335 under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000  
 4336 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating  
 4337 two or more vehicles both within and outside the Commonwealth and registered for insurance purposes  
 4338 with the Surface Transportation Board of the U.S. Department of Transportation, Federal Highway  
 4339 Administration, may apply to the Commissioner for prorated registration. Upon the filing of such  
 4340 application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the  
 4341 registration fees provided in this subsection so that the total registration fees to be paid for such vehicles  
 4342 of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total  
 4343 number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total  
 4344 number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in  
 4345 each instance is the estimated total mileage to be traveled by such vehicles during the license year for  
 4346 which such fees are paid, subject to the adjustment in accordance with an audit to be made by  
 4347 representatives of the Commissioner at the end of such license year, the expense of such audit to be  
 4348 borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and  
 4349 licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less  
 4350 than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles,  
 4351 trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion  
 4352 in determining the apportionment provided for herein.

4353 8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer  
 4354 or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the  
 4355 transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than  
 4356 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

4357 9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a  
 4358 chauffeur for the transportation of passengers, and which operates or should operate under permits issued  
 4359 by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs  
 4360 more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

4361 10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a  
 4362 surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

4363 10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special fund to  
 4364 be used to meet the expenses of the Department.

4365 10b. Eighteen dollars for an autocycle.

4366 11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for  
 4367 the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of  
 4368 the vehicle exceeds 4,000 pounds, the fee shall be \$28.

4369 12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-carrying  
 4370 vehicles.

4371 13. An additional fee of \$4.25 per year shall be charged and collected at the time of registration of  
 4372 each pickup or panel truck and each motor vehicle under subdivisions 1 through 12. All funds collected  
 4373 from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside as a special fund to  
 4374 be used only for emergency medical ~~service~~ *services* purposes. The moneys in the special emergency  
 4375 medical services fund shall be distributed as follows:

4376 a. Two percent shall be distributed to the State Department of Health to provide funding to the  
 4377 Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting  
 4378 volunteer recruitment, retention, and training activities;

4379 b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency  
 4380 medical services training programs (excluding advanced life support classes); (ii) advanced life support  
 4381 training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and  
 4382 retain volunteer emergency medical services personnel only, including public awareness campaigns,  
 4383 technical assistance programs, and similar activities); (iv) emergency medical services system  
 4384 development, initiatives, and priorities based on needs identified by the State Emergency Medical  
 4385 Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical  
 4386 services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication  
 4387 enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for



distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to the Rescue Squad Assistance Fund;

c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical Services for use in emergency medical services; and

e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is registered, to provide funding for training of volunteer or salaried emergency medical ~~service~~ *services* personnel of ~~licensed~~, nonprofit emergency medical services agencies *that hold a valid license issued by the Commissioner of Health* and for the purchase of necessary equipment and supplies for use in such locality for ~~licensed, nonprofit~~ emergency medical ~~and rescue~~ *services provided by nonprofit emergency medical services agencies that hold a valid license issued by the Commissioner of Health*.

All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to supplant local funds. Each local governing body shall report annually to the Board of Health on the use of the funds returned to it pursuant to this section. In any case in which the local governing body grants the funds to a regional emergency medical services council to be distributed to the ~~licensed~~, nonprofit emergency medical ~~and rescue~~ *services agency that holds a valid license issued by the Commissioner of Health*, the local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board.

B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.

**§ 46.2-694. (Contingent effective date) Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.**

A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the transportation of passengers on the highways in the Commonwealth are:

1. Twenty-three dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

2. Twenty-eight dollars for each passenger car or motor home which weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than 10 adults, including the driver, if the private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human beings.

6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed in subdivision 7 on submission to the Commissioner of a declaration of operations and equipment as he

may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating two or more vehicles both within and outside the Commonwealth and registered for insurance purposes with the Surface Transportation Board of the U.S. Department of Transportation, Federal Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the registration fees provided in this subsection so that the total registration fees to be paid for such vehicles of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in each instance is the estimated total mileage to be traveled by such vehicles during the license year for which such fees are paid, subject to the adjustment in accordance with an audit to be made by representatives of the Commissioner at the end of such license year, the expense of such audit to be borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles, trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion in determining the apportionment provided for herein.

8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a chauffeur for the transportation of passengers, and which operates or should operate under permits issued by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

10b. Eighteen dollars for an autocycle.

11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of the vehicle exceeds 4,000 pounds, the fee shall be \$28.

12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-carrying vehicles.

13. An additional fee of \$4.25 per year shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle under subdivisions 1 through 12. All funds collected from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside as a special fund to be used only for emergency medical ~~service~~ *services* purposes. The moneys in the special emergency medical services fund shall be distributed as follows:

a. Two percent shall be distributed to the State Department of Health to provide funding to the Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting volunteer recruitment, retention and training activities;

b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency medical services training programs (excluding advanced life support classes); (ii) advanced life support training; (iii) recruitment and retention programs for such support shall be used to recruit and retain volunteer emergency medical services personnel only, including public awareness campaigns, technical assistance programs, and similar activities); (iv) emergency medical services system development, initiatives, and priorities based on needs identified by the State Emergency Medical Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to the Rescue Squad Assistance Fund;

c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical Services for use in emergency medical services; and

e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is registered, to provide funding for training of volunteer or salaried emergency medical ~~service services~~ personnel of ~~licensed, nonprofit~~ emergency medical services agencies *that hold a valid license issued by the Commissioner of Health* and for the purchase of necessary equipment and supplies for use in such locality for ~~licensed, nonprofit~~ emergency medical ~~and rescue~~ services *provided by nonprofit or volunteer emergency medical services agencies that hold a valid license issued by the Commissioner of Health*.

All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to supplant local funds. Each local governing body shall report annually to the Board of Health on the use of the funds returned to it pursuant to this section. In any case in which the local governing body grants the funds to a regional emergency medical services council to be distributed to the ~~licensed, nonprofit~~ emergency medical ~~and rescue~~ services *agency that holds a valid license issued by the Commissioner of Health*, the local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board.

B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.

#### **§ 46.2-698. Fees for farm vehicles.**

A. The fees for registration of farm motor vehicles having gross weights of 7,500 pounds or more, when such vehicles are used exclusively for farm use as defined in this section, shall be one-half of the fee per 1,000 pounds of gross weight for private carriers as calculated under the provisions of § 46.2-697 and one-half of the fee for overload permits under § 46.2-1128, but the annual registration fee to be paid for each farm vehicle shall not be less than \$15.

B. A farm motor vehicle is used exclusively for farm use:

1. When owned by a person who is engaged either as an owner, renter, or operator of a farm of a size reasonably requiring the use of such vehicle or vehicles and when such vehicle is:

a. Used in the transportation of agricultural products of the farm he is working to market, or to other points for sale or processing, or when used to transport materials, tools, equipment, or supplies which are to be used or consumed on the farm he is working, or when used for any other transportation incidental to the regular operation of such farm;

b. Used in transporting forest products, including forest materials originating on a farm or incident to the regular operation of a farm, to the farm he is working or transporting for any purpose forest products which originate on the farm he is working; or

c. Used in the transportation of farm produce, supplies, equipment, or materials to a farm not worked by him, pursuant to a mutual cooperative agreement.

2. When the nonfarm use of such motor vehicle is limited to the personal use of the owner and his immediate family in attending church or school, securing medical treatment or supplies, or securing other household or family necessities.

C. As used in this section, the term "farm" means one or more areas of land used for the production, cultivation, growing, or harvesting of agricultural products, but does not include a tree farm that is not also a nursery or Christmas tree farm, unless it is part of what otherwise is a farm. As used in this section, the term "agricultural products" means any nursery plants; Christmas trees; horticultural, viticultural, and other cultivated plants and crops; aquaculture; dairy; livestock; poultry; bee; or other farm products.

D. The first application for registration of a vehicle under this section shall be made on forms provided by the Department and shall include:

1. The location and acreage of each farm on which the vehicle to be registered is to be used;

2. The type of agricultural commodities, poultry, dairy products or livestock produced on such farms and the approximate amounts produced annually;

3. A statement, signed by the vehicle's owner, that the vehicle to be registered will only be used for one or more of the purposes specified in subsection B of this section; and

4. Other information required by the Department.

The above information is not required for the renewal of a vehicle's registration under this section.

E. The Department shall issue appropriately designated license plates for those motor vehicles registered under this section. The manner in which such license plates are designated shall be at the discretion of the Commissioner.

F. The owner of a farm vehicle shall inform the Commissioner within 30 days or at the time of his next registration renewal, whichever comes first, when such vehicle is no longer used exclusively for farm use as defined in this section, and shall pay the appropriate registration fee for the vehicle based on its type of operation. It shall constitute a Class 2 misdemeanor to: (i) operate or to permit the operation of any farm motor vehicle for which the fee for registration and license plates is herein prescribed on any highway in the Commonwealth without first having paid the prescribed registration fee; or (ii) operate or permit the operation of any motor vehicle, registered under this section, for purposes other than as provided under subsection B of this section; or (iii) operate as a for-hire vehicle.

G. Nothing in this section shall affect the exemptions of agricultural and horticultural vehicles under §§ 46.2-664 through 46.2-670.

H. Notwithstanding other provisions of this section, vehicles licensed under this section may be used by volunteer ~~rescue squad members~~ *emergency medical services personnel* and volunteer firefighters in responding to emergency calls, in reporting for regular duty, and in attending ~~squad emergency medical services agency or fire company~~ meetings and drills.

**§ 46.2-726. License plates with reserved numbers or letters; fees.**

The Commissioner may, in his discretion, reserve license plates with certain registration numbers or letters or combinations thereof for issuance to persons requesting license plates so numbered and lettered.

License plates with reserved numbers or letters may be issued for and displayed on ~~vehicles operated as ambulances by private ambulance services~~ *emergency medical services vehicles operated by emergency medical services agencies*.

The annual fee or, in the case of permanent license plates for trailers and semitrailers, the one-time fee, for the issuance of any license plates with reserved numbers or letters shall be ~~ten dollars~~ \$10 plus the prescribed fee for state license plates. If those license plates with reserved numbers or letters are subject to an additional fee beyond the prescribed fee for state license plates, the fee for such special license plates with reserved numbers or letters shall be ~~ten dollars~~ \$10 plus the additional fee for the special license plates plus the prescribed fee for state license plates.

The annual fee for reissuing license plates with the same combination of letters and numbers as license plates that were previously issued but not renewed shall be ~~ten dollars~~ \$10 plus the prescribed fee for state license plates. If those license plates are special license plates subject to an additional fee beyond the prescribed fee for state license plates, the fee shall be ~~ten dollars~~ \$10 plus the additional fee for the special license plates plus the prescribed fee for state license plates.

**§ 46.2-735. Special license plates for members of volunteer emergency medical services agencies and members of volunteer emergency medical services agency auxiliaries; fees.**

The Commissioner, on application, shall supply members of volunteer ~~rescue squads~~ *emergency medical services agencies* and members of volunteer ~~rescue squad~~ *emergency medical services agency* auxiliaries special license plates bearing the letters "R S" followed by numbers or letters or any combination thereof.

Only one application shall be required from each volunteer ~~rescue squad~~ *emergency medical services agency* or volunteer ~~rescue squad~~ *emergency medical services agency* auxiliary. The application shall contain the names and residence addresses of all members of the *volunteer emergency medical services agency and members of the volunteer emergency medical services agency auxiliary* who request license plates. The Commissioner shall charge the prescribed cost of state license plates for each set of license plates issued under this section.

**§ 46.2-752. Taxes and license fees imposed by counties, cities, and towns; limitations on amounts; disposition of revenues; requiring evidence of payment of personal property taxes and certain fines; prohibiting display of licenses after expiration; failure to display valid local license required by other localities; penalty.**

A. Except as provided in § 46.2-755, counties, cities, and towns may levy and assess taxes and charge license fees on motor vehicles, trailers, and semitrailers. However, none of these taxes and license fees shall be assessed or charged by any county on vehicles owned by residents of any town located in the county when such town constitutes a separate school district if the vehicles are already

subject to town license fees and taxes, nor shall a town charge a license fee to any new resident of the town, previously a resident of a county within which all or part of the town is situated, who has previously paid a license fee for the same tax year to such county. The amount of the license fee or tax imposed by any county, city, or town on any motor vehicle, trailer, or semitrailer shall not be greater than the annual or one-year fee imposed by the Commonwealth on the motor vehicle, trailer, or semitrailer. The license fees and taxes shall be imposed in such manner, on such basis, for such periods, and subject to proration for fractional periods of years, as the proper local authorities may determine.

Owners or lessees of motor vehicles, trailers, and semitrailers who have served outside of the United States in the armed services of the United States shall have a 90-day grace period, beginning on the date they are no longer serving outside the United States, in which to comply with the requirements of this section. For purposes of this section, "the armed services of the United States" includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component.

Local licenses may be issued free of charge for any or all of the following:

1. Vehicles powered by clean special fuels as defined in § 46.2-749.3, including dual-fuel and bi-fuel vehicles,

2. Vehicles owned by volunteer ~~rescue squads~~ *emergency medical services agencies*,

3. Vehicles owned by volunteer fire departments,

4. Vehicles owned or leased by active members or active auxiliary members of volunteer ~~rescue squads~~ *emergency medical services agencies*,

5. Vehicles owned or leased by active members or active auxiliary members of volunteer fire departments,

6. Vehicles owned or leased by auxiliary police officers,

7. Vehicles owned or leased by volunteer police chaplains,

8. Vehicles owned by surviving spouses of persons qualified to receive special license plates under § 46.2-739,

9. Vehicles owned or leased by auxiliary deputy sheriffs or volunteer deputy sheriffs,

10. Vehicles owned by persons qualified to receive special license plates under § 46.2-739,

11. Vehicles owned by any of the following who served at least 10 years in the locality: former members of volunteer ~~rescue squads~~ *emergency medical services agencies*, former members of volunteer fire departments, former auxiliary police officers, members and former members of authorized police volunteer citizen support units, members and former members of authorized sheriff's volunteer citizen support units, former volunteer police chaplains, and former volunteer special police officers appointed under former § 15.2-1737. In the case of active members of volunteer ~~rescue squads~~ *emergency medical services agencies* and active members of volunteer fire departments, applications for such licenses shall be accompanied by written evidence, in a form acceptable to the locality, of their active *affiliation or membership*, and no *member of an emergency medical services agency or member of a volunteer fire department* shall be issued more than one such license free of charge,

12. All vehicles having a situs for the imposition of licensing fees under this section in the locality,

13. Vehicles owned or leased by deputy sheriffs; however, no deputy sheriff shall be issued more than one such license free of charge,

14. Vehicles owned or leased by police officers; however, no police officer shall be issued more than one such license free of charge,

15. Vehicles owned or leased by officers of the State Police; however, no officer of the State Police shall be issued more than one such license free of charge,

16. Vehicles owned or leased by salaried firefighters; however, no salaried firefighter shall be issued more than one such license free of charge,

17. Vehicles owned or leased by salaried emergency medical ~~technicians~~ *services personnel*; however, no salaried emergency medical ~~technician~~ *services personnel* shall be issued more than one such license free of charge,

18. Vehicles with a gross weight exceeding 10,000 pounds owned by museums officially designated by the Commonwealth,

19. Vehicles owned by persons, or their surviving spouses, qualified to receive special license plates under subsection A of § 46.2-743, and

20. Vehicles owned or leased by members of the Virginia Defense Force; however, no member of the Virginia Defense Force shall be issued more than one such license free of charge.

The governing body of any county, city, or town issuing licenses under this section may by ordinance provide for a 50 percent reduction in the fee charged for the issuance of any such license issued for any vehicle owned or leased by any person who is 65 years old or older. No such discount, however, shall be available for more than one vehicle owned or leased by the same person.

The governing body of any county, city, or town issuing licenses free of charge under this subsection

may by ordinance provide for (i) the limitation, restriction, or denial of such free issuance to an otherwise qualified applicant, including without limitation the denial of free issuance to a taxpayer who has failed to timely pay personal property taxes due with respect to the vehicle and (ii) the grounds for such limitation, restriction, or denial.

The situs for the imposition of licensing fees under this section shall in all cases, except as hereinafter provided, be the county, city, or town in which the motor vehicle, trailer, or semitrailer is normally garaged, stored, or parked. If it cannot be determined where the personal property is normally garaged, stored, or parked, the situs shall be the domicile of its owner. In the event the owner of the motor vehicle is a full-time student attending an institution of higher education, the situs shall be the domicile of such student, provided the student has presented sufficient evidence that he has paid a personal property tax on the motor vehicle in his domicile.

B. The revenue derived from all county, city, or town taxes and license fees imposed on motor vehicles, trailers, or semitrailers shall be applied to general county, city, or town purposes.

C. A county, city, or town may require that no motor vehicle, trailer, or semitrailer shall be locally licensed until the applicant has produced satisfactory evidence that all personal property taxes on the motor vehicle, trailer, or semitrailer to be licensed have been paid and satisfactory evidence that any delinquent motor vehicle, trailer, or semitrailer personal property taxes owing have been paid which have been properly assessed or are assessable against the applicant by the county, city, or town. A county, city, or town may also provide that no motor vehicle license shall be issued unless the tangible personal property taxes properly assessed or assessable by that locality on any tangible personal property used or usable as a dwelling titled by the Department of Motor Vehicles and owned by the taxpayer have been paid. Any county and any town within any such county may by agreement require that all personal property taxes assessed by either the county or the town on any vehicle be paid before licensure of such vehicle by either the county or the town.

C1. The Counties of Dinwiddie, Lee, and Wise may, by ordinance or resolution adopted after public notice and hearing and, with the consent of the treasurer, require that no license may be issued under this section unless the applicant has produced satisfactory evidence that all fees, including delinquent fees, payable to such county or local solid waste authority, for the disposal of solid waste pursuant to the Virginia Water and Waste Authorities Act (§ 15.2-5100 et seq.), or pursuant to § 15.2-2159, have been paid in full. For purposes of this subsection, all fees, including delinquent fees, payable to a county for waste disposal services described herein, shall be paid to the treasurer of such county; however, in Wise County, the fee shall be paid to the county or its agent.

D. The Counties of Arlington, Fairfax, Loudoun, and Prince William and towns within them and any city may require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction unless all fines owed to the jurisdiction by the owner of the vehicle, trailer, or semitrailer for violation of the jurisdiction's ordinances governing parking of vehicles have been paid. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

E. If in any county imposing license fees and taxes under this section, a town therein imposes like fees and taxes on vehicles of owners resident in the town, the owner of any vehicle subject to the fees or taxes shall be entitled, on the owner's displaying evidence that he has paid the fees or taxes, to receive a credit on the fees or taxes imposed by the county to the extent of the fees or taxes he has paid to the town. Nothing in this section shall deprive any town now imposing these licenses and taxes from increasing them or deprive any town not now imposing them from hereafter doing so, but subject to the limitations provided in subsection D. The governing body of any county and the governing body of any town in that county wherein each imposes the license tax herein provided may provide mutual agreements so that not more than one license plate or decal in addition to the state plate shall be required.

F. Notwithstanding the provisions of subsection E, in a consolidated county wherein a tier-city exists, the tier-city may, in accordance with the provisions of the agreement or plan of consolidation, impose license fees and taxes under this section in addition to those fees and taxes imposed by the county, provided that the combined county and tier-city rates do not exceed the maximum provided in subsection A. No credit shall be allowed on the fees or taxes imposed by the county for fees or taxes paid to the tier-city, except as may be provided by the consolidation agreement or plan. The governing body of any county and the governing body of any tier-city in such county wherein each imposes the license tax herein may provide by mutual agreement that no more than one license plate or decal in addition to the state license plate shall be required.

G. Any county, city, or town may by ordinance provide that it shall be unlawful for any owner or operator of a motor vehicle, trailer, or semitrailer (i) to fail to obtain and, if any required by such ordinance, to display the local license required by any ordinance of the county, city or town in which the vehicle is registered, or (ii) to display upon a motor vehicle, trailer, or semitrailer any such local license, required by ordinance to be displayed, after its expiration date. The ordinance may provide that

a violation shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4 misdemeanor and may, in the case of a motor vehicle registered to a resident of the locality where such vehicle is registered, authorize the issuance by local law-enforcement officers of citations, summonses, parking tickets, or uniform traffic summonses for violations. Any such ordinance may also provide that a violation of the ordinance by the registered owner of the vehicle may not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required license has been obtained. Nothing in this section shall be construed to require a county, city, or town to issue a decal or any other tangible evidence of a local license to be displayed on the licensed vehicle if the county's, city's, or town's ordinance does not require display of a decal or other evidence of payment. No ordinance adopted pursuant to this section shall require the display of any local license, decal, or sticker on any vehicle owned by a public service company, as defined in § 56-76, having a fleet of at least 2,500 vehicles garaged in the Commonwealth.

H. Except as provided by subsections E and F, no vehicle shall be subject to taxation under the provisions of this section in more than one jurisdiction. Furthermore, no person who has purchased a local vehicle license, decal, or sticker for a vehicle in one county, city, or town and then moves to and garages his vehicle in another county, city, or town shall be required to purchase another local license, decal, or sticker from the county, city, or town to which he has moved and wherein his vehicle is now garaged until the expiration date of the local license, decal, or sticker issued by the county, city, or town from which he moved.

I. Purchasers of new or used motor vehicles shall be allowed at least a 10-day grace period, beginning with the date of purchase, during which to pay license fees charged by local governments under authority of this section.

J. The treasurer or director of finance of any county, city, or town may enter into an agreement with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle registration of any applicant therefor who owes to such county, city or town any local vehicle license fees or delinquent tangible personal property tax or parking citations. Before being issued any vehicle registration or renewal of such license or registration by the Commissioner, the applicant shall first satisfy all such local vehicle license fees and delinquent taxes or parking citations and present evidence satisfactory to the Commissioner that all such local vehicle license fees and delinquent taxes or parking citations have been paid in full. The Commissioner shall charge a reasonable fee to cover the costs of such enforcement action, and the treasurer or director of finance may add the cost of this fee to the delinquent tax bill or the amount of the parking citation. The treasurer or director of finance of any county, city, or town seeking to collect delinquent taxes or parking citations through the withholding of registration or renewal thereof by the Commissioner as provided for in this subsection shall notify the Commissioner in the manner provided for in his agreement with the Commissioner and supply to the Commissioner information necessary to identify the debtor whose registration or renewal is to be denied. Any agreement entered into pursuant to the provisions of this subsection shall provide the debtor notice of the intent to deny renewal of registration at least 30 days prior to the expiration date of a current vehicle registration. For the purposes of this subsection, notice by first-class mail to the registrant's address as maintained in the records of the Department of Motor Vehicles shall be deemed sufficient. In the case of parking violations, the Commissioner shall only refuse to issue or renew the vehicle registration of any applicant therefor pursuant to this subsection for the vehicle that incurred the parking violations. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

K. The governing bodies of any two or more counties, cities, or towns may enter into compacts for the regional enforcement of local motor vehicle license requirements. The governing body of each participating jurisdiction may by ordinance require the owner or operator of any motor vehicle, trailer, or semitrailer to display on his vehicle a valid local license issued by another county, city, or town that is a party to the regional compact, provided that the owner or operator is required by the jurisdiction of situs, as provided in § 58.1-3511, to obtain and display such license. The ordinance may also provide that no motor vehicle, trailer, or semitrailer shall be locally licensed until the applicant has produced satisfactory evidence that (i) all personal property taxes on the motor vehicle, trailer, or semitrailer to be licensed have been paid to all participating jurisdictions and (ii) any delinquent motor vehicle, trailer, or semitrailer personal property taxes that have been properly assessed or are assessable by any participating jurisdiction against the applicant have been paid. Any city and any county having the urban county executive form of government, the counties adjacent to such county and towns within them may require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction or any other jurisdiction in the compact unless all fines owed to any participating jurisdiction by the owner of the vehicle for violation of any participating jurisdiction's ordinances governing parking of vehicles have been paid. The ordinance may further provide that a violation shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4 misdemeanor. Any such ordinance may also provide that a

violation of the ordinance by the owner of the vehicle may not be discharged by payment of a fine and applicable court costs except upon presentation of satisfactory evidence that the required license has been obtained. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

L. In addition to the taxes and license fees permitted in subsection A, counties, cities, and towns may charge a license fee of no more than \$1 per motor vehicle, trailer, and semitrailer. Except for the provisions of subsection B, such fee shall be subject to all other provisions of this section. All funds collected pursuant to this subsection shall be paid pursuant to § 51.1-1204 to the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund to the accounts of all members of the Fund who are volunteers for fire departments or ~~rescue squads~~ *emergency medical services agencies* within the jurisdiction of the particular county, city, or town.

**§ 46.2-818. Stopping vehicle of another; blocking access to premises; damaging or threatening commercial vehicle or operator thereof; penalties.**

No person shall intentionally and willfully:

1. Stop the vehicle of another for the sole purpose of impeding its progress on the highways, except in the case of an emergency or mechanical breakdown;

2. Block the access to or egress from any premises of any service facility operated for the purposes of (i) selling fuel for motor vehicles, (ii) performing repair services on motor vehicles, or (iii) furnishing food, rest, or any other convenience for the use of persons operating motor vehicles engaged in intrastate and interstate commerce on the highways of ~~this~~ *the* Commonwealth;

3. Damage any vehicle engaged in commerce on the highways of ~~this~~ *the* Commonwealth, or threaten, assault, or otherwise harm the person of any operator of a motor vehicle being used for the transportation of property for hire.

Any person violating any provision of this section ~~shall be~~ *is* guilty of a Class 1 misdemeanor, and in addition, his driver's license may be suspended by the court for a period of not more than one year. The court shall forward such license to the Department as provided by § 46.2-398.

The provisions of this section shall not apply to any law-enforcement officer, school guard, ~~fire fighter~~ *firefighter*, or ~~member of a rescue squad~~ *emergency medical services personnel* engaged in the performance of his duties nor to any vehicle owned or controlled by the Virginia Department of Transportation while engaged in the construction, reconstruction, or maintenance of highways.

**§ 46.2-915.1. All-terrain vehicles and off-road motorcycles; penalty.**

A. No all-terrain vehicle shall be operated:

1. On any public highway, or other public property, except (i) as authorized by proper authorities, (ii) to the extent necessary to cross a public highway by the most direct route, or (iii) by law-enforcement officers, firefighters, or ~~rescue squad~~ *emergency medical services* personnel responding to emergencies;

2. By any person under the age of 16, except that (i) children between the ages of 12 and 16 may operate all-terrain vehicles powered by engines of no more than 90 cubic centimeters displacement and (ii) children less than 12 years old may operate all-terrain vehicles powered by engines of no more than 70 cubic centimeters displacement;

3. By any person unless he is wearing a protective helmet of a type approved by the Superintendent of State Police for use by motorcycle operators;

4. On another person's property without the written consent of the owner of the property or as explicitly authorized by law; or

5. With a passenger at any time, unless such all-terrain vehicle is designed and equipped to be operated with more than one rider.

B. Notwithstanding subsection A, all-terrain vehicles may be operated on the highways in Buchanan County and Tazewell County if the following conditions are met:

1. Such operation is approved by action of the Buchanan County Board of Supervisors for operation along the Pocahontas Trail on Bill Young Mountain and across Virginia Route 635 in Buchanan County and approved by action of the Tazewell County Board of Supervisors for operation along the Pocahontas Trail in and between the Town of Pocahontas and Boissevain; across Virginia Routes 644, 663, 659, 627, 734, and 747; within the corporate limits of the Town of Pocahontas in Tazewell County; and across property of the Virginia Department of Corrections in Tazewell County, provided that permission is granted for such operation pursuant to § 2.2-1150;

2. Signs, whose design, number, and location are approved by the Virginia Department of Transportation, have been posted warning motorists that all-terrain vehicles may be operating on the highway;

3. Such all-terrain vehicles are operated during daylight hours on the highway for no more than one mile between one off-road trail and another;

4. Signs required by this subsection are purchased and installed by the person or club requesting the



Board of Supervisors' approval for such over-the-road operation of all-terrain vehicles;

5. All-terrain vehicles operators shall, when operating on the highway, obey all rules of the road applicable to other motor vehicles;

6. Riders of such all-terrain vehicles shall wear approved helmets; and

7. Such all-terrain vehicles shall operate at speeds of no more than 25 miles per hour.

No provision of this subsection shall be construed to require all-terrain vehicles operated on a highway as provided in this subsection to comply with lighting requirements contained in this title.

C. Any retailer selling any all-terrain vehicle shall affix thereto, or verify that there is affixed thereto, a decal or sticker, approved by the Superintendent of State Police, which clearly and completely states the prohibition contained in subsection A of this section.

D. A violation of this section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of an all-terrain vehicle or off-road motorcycle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action, nor shall this section bar any claim which otherwise exists.

E. Violation of any provision of this section shall be punishable by a civil penalty of not more than \$500.

F. The provisions of this section shall not apply:

1. To any all-terrain vehicle being used in conjunction with farming activities; or

2. To members of the household or employees of the owner or lessee of private property on which the all-terrain vehicle is operated.

G. For the purposes of this section, "all-terrain vehicle" shall have the meaning ascribed in § 46.2-100.

**§ 46.2-920. Certain vehicles exempt from regulations in certain situations; exceptions and additional requirements.**

A. The driver of any emergency vehicle, when such vehicle is being used in the performance of public services, and when such vehicle is operated under emergency conditions, may, without subjecting himself to criminal prosecution:

1. Disregard speed limits, while having due regard for safety of persons and property;

2. Proceed past any steady or flashing red signal, traffic light, stop sign, or device indicating moving traffic shall stop if the speed of the vehicle is sufficiently reduced to enable it to pass a signal, traffic light, or device with due regard to the safety of persons and property;

3. Park or stop notwithstanding the other provisions of this chapter;

4. Disregard regulations governing a direction of movement of vehicles turning in specified directions so long as the operator does not endanger life or property;

5. Pass or overtake, with due regard to the safety of persons and property, another vehicle at any intersection;

6. Pass or overtake with due regard to the safety of persons and property, while en route to an emergency, stopped or slow-moving vehicles, by going to the left of the stopped or slow-moving vehicle either in a no-passing zone or by crossing the highway centerline; or

7. Pass or overtake with due regard to the safety of persons and property, while en route to an emergency, stopped or slow-moving vehicles, by going off the paved or main traveled portion of the roadway on the right. Notwithstanding other provisions of this section, vehicles exempted in this instance will not be required to sound a siren or any device to give automatically intermittent signals.

B. The exemptions granted to emergency vehicles by subsection A in subdivisions A1, A3, A4, A5, and A6 shall apply only when the operator of such vehicle displays a flashing, blinking, or alternating emergency light or lights as provided in §§ 46.2-1022 and 46.2-1023 and sounds a siren, exhaust whistle, or air horn designed to give automatically intermittent signals, as may be reasonably necessary. The exemption granted under subdivision A 2 shall apply only when the operator of such emergency vehicle displays a flashing, blinking, or alternating emergency light or lights as provided in §§ 46.2-1022 and 46.2-1023 and either (a) sounds a siren, exhaust whistle, or air horn designed to give automatically intermittent signals or (b) slows the vehicle down to a speed reasonable for the existing conditions, yields right-of-way to the driver of another vehicle approaching or entering the intersection from another direction or, if required for safety, brings the vehicle to a complete stop before proceeding with due regard for the safety of persons and property. In addition, the exemptions granted to emergency vehicles by subsection A shall apply only when there is in force and effect for such vehicle either (i) standard motor vehicle liability insurance covering injury or death to any person in the sum of at least \$100,000 because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of \$300,000 because of bodily injury to or death of two or more persons in any one accident, and to a limit of \$20,000 because of injury to or destruction of property of others in any one accident or (ii) a certificate of self-insurance issued pursuant to § 46.2-368. Such exemptions shall not,

however, protect the operator of any such vehicle from criminal prosecution for conduct constituting reckless disregard of the safety of persons and property. Nothing in this section shall release the operator of any such vehicle from civil liability for failure to use reasonable care in such operation.

C. For the purposes of this section, the term "emergency vehicle" shall mean:

1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer (i) in the chase or apprehension of violators of the law or persons charged with or suspected of any such violation or (ii) in response to an emergency call;

2. Any regional detention center vehicle operated by or under the direction of a correctional officer responding to an emergency call or operating in an emergency situation;

3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when traveling in response to a fire alarm or emergency call;

4. Any ~~ambulance, rescue, or life-saving~~ *emergency medical services* vehicle designed or used for the principal purpose of ~~supplying resuscitation or emergency relief~~ *providing emergency medical services* where human life is endangered;

5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services vehicle, when responding to an emergency call or operating in an emergency situation;

6. Any Department of Corrections vehicle designated by the Director of the Department of Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a request for assistance from a law-enforcement officer; and

7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and white secondary warning lights under the provisions of § 46.2-1029.2.

D. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer may disregard speed limits, while having due regard for safety of persons and property, (i) in testing the accuracy of speedometers of such vehicles, (ii) in testing the accuracy of speed measuring devices specified in § 46.2-882, or (iii) in following another vehicle for the purpose of determining its speed.

E. A Department of Environmental Quality vehicle, while en route to an emergency and with due regard to the safety of persons and property, may overtake and pass stopped or slow-moving vehicles by going off the paved or main traveled portion of the highway on the right or on the left. These Department of Environmental Quality vehicles shall not be required to sound a siren or any device to give automatically intermittent signals, but shall display red or red and white warning lights when performing such maneuvers.

F. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer while conducting a funeral escort, wide-load escort, dignitary escort, or any other escort necessary for the safe movement of vehicles and pedestrians may, without subjecting himself to criminal prosecution:

1. Disregard speed limits, while having due regard for safety of persons and property;

2. Proceed past any steady or flashing red signal, traffic light, stop sign, or device indicating moving traffic shall stop if the speed of the vehicle is sufficiently reduced to enable it to pass a signal, traffic light, or device with due regard for the safety of persons and property;

3. Park or stop notwithstanding the other provisions of this chapter;

4. Disregard regulations governing a direction of movement of vehicles turning in specified directions so long as the operator does not endanger life or property; or

5. Pass or overtake, with due regard for the safety of persons and property, another vehicle.

Notwithstanding other provisions of this section, vehicles exempted in this subsection may sound a siren or any device to give automatically intermittent signals.

#### **§ 46.2-921. Following or parking near fire apparatus or emergency medical services vehicle.**

It shall be unlawful, in any county, city, or town for the driver of any vehicle, other than one on official business, to follow any fire apparatus or ~~rescue squad~~ *emergency medical services* vehicle traveling in response to a fire alarm or emergency call at any distance closer than 500 feet to such apparatus or ~~rescue squad~~ *emergency medical services* vehicle or to park such vehicle within 500 feet of where fire apparatus has stopped in answer to a fire alarm.

#### **§ 46.2-1020. Other permissible lights.**

Any motor vehicle may be equipped with fog lights, not more than two of which can be illuminated at any time, one or two auxiliary driving lights if so equipped by the manufacturer, two daytime running lights, two side lights of not more than six candlepower, an interior light or lights of not more than 15 candlepower each, and signal lights.

The provision of this section limiting interior lights to no more than 15 candlepower shall not apply to (i) alternating, blinking, or flashing colored emergency lights mounted inside law-enforcement motor vehicles which may otherwise legally be equipped with such colored emergency lights, or (ii) flashing

shielded red or red and white lights, authorized under § 46.2-1024, mounted inside vehicles owned or used by (a) members of volunteer fire companies or volunteer ~~rescue squads~~ *emergency medical services agencies*, (b) professional ~~fire fighters~~ *firefighters*, or (c) police chaplains. A vehicle equipped with lighting devices as authorized in this section shall be operated by a police chaplain only if he has successfully completed a course of training in the safe operation of a motor vehicle under emergency conditions and a certificate attesting to such successful completion, signed by the course instructor, is carried at all times in the vehicle when operated by the police chaplain to whom the certificate applies.

Unless such lighting device is both covered and unlit, no motor vehicle which is equipped with any lighting device other than lights required or permitted in this article, required or approved by the Superintendent, or required by the federal Department of Transportation shall be operated on any highway in the Commonwealth. Nothing in this section shall permit any vehicle, not otherwise authorized, to be equipped with colored emergency lights, whether blinking or steady-burning.

**§ 46.2-1023. Flashing red or red and white warning lights.**

Fire apparatus, forest warden vehicles, ~~ambulances, rescue and life-saving~~ *emergency medical services* vehicles, vehicles of the Department of Emergency Management, vehicles of the Department of Environmental Quality, vehicles of the Virginia National Guard Civil Support Team when responding to an emergency, vehicles of county, city, or town Departments of Emergency Management, vehicles of the Office of Emergency Medical Services, animal warden vehicles, and vehicles used by security personnel of the Huntington Ingalls Industries, Bassett-Walker, Inc., the Winchester Medical Center, the National Aeronautics and Space Administration's Wallops Flight Facility, and, within those areas specified in their orders of appointment, by special conservators of the peace and policemen for certain places appointed pursuant to §§ 19.2-13 and 19.2-17 may be equipped with flashing, blinking, or alternating red or red and white combination warning lights of types approved by the Superintendent. Such warning lights may be of types constructed within turn signal housings or motorcycle headlight housings, subject to approval by the Superintendent.

**§ 46.2-1024. Flashing or steady-burning red or red and white warning lights.**

Any member of a fire department, volunteer fire company, or volunteer ~~rescue squad, any ambulance driver employed by a privately owned ambulance service, emergency medical services agency~~ and any police chaplain may equip one vehicle owned by him with no more than two flashing or steady-burning red or red and white combination warning lights of types approved by the Superintendent. Warning lights permitted by this section shall be lit only when answering emergency calls. A vehicle equipped with lighting devices as authorized in this section shall be operated by a police chaplain only if he has successfully completed a course of training in the safe operation of a motor vehicle under emergency conditions and a certificate attesting to such successful completion, signed by the course instructor, is carried at all times in the vehicle when operated by the police chaplain to whom the certificate applies.

**§ 46.2-1025. Flashing amber, purple, or green warning lights.**

A. The following vehicles may be equipped with flashing, blinking, or alternating amber warning lights of types approved by the Superintendent:

1. Vehicles used for the principal purpose of towing or servicing disabled vehicles;
2. Vehicles used in constructing, maintaining, and repairing highways or utilities on or along public highways;
3. Vehicles used for the principal purpose of removing hazardous or polluting substances from state waters and drainage areas on or along public highways, or state vehicles used to perform other state-required environmental activities, provided that the amber lights are not lit while the vehicle is in motion;
4. Vehicles used for servicing automatic teller machines, provided the amber lights are not lit while the vehicle is in motion;
5. Vehicles used in refuse collection, provided the amber lights are lit only when the vehicles are engaged in refuse collection operations;
6. Vehicles used by individuals for emergency snow-removal purposes;
7. Hi-rail vehicles, provided the amber lights are lit only when the vehicles are operated on railroad rails;
8. Fire apparatus, ~~ambulances, and rescue and life-saving~~ *and emergency medical services* vehicles, provided the amber lights are used in addition to lights permitted under § 46.2-1023 and are so mounted or installed as to be visible from behind the vehicle;
9. Vehicles owned and used by businesses providing security services, provided the amber lights are not lit while the vehicle is being operated on a public highway;
10. Vehicles used to collect and deliver the United States mail, provided the amber lights are lit only when the vehicle is actually engaged in such collection or delivery;
11. Vehicles used to transport petroleum or propane products, provided the amber light is mounted on the rear of the vehicle and is lit when parked while making a delivery of petroleum or propane

5059 products, or when the vehicle's back-up lights are lit and its device producing an audible signal when  
 5060 the vehicle is operated in reverse gear, as provided for in § 46.2-1175.1, is in operation;

5061 12. Vehicles used by law-enforcement agency personnel in the enforcement of laws governing motor  
 5062 vehicle parking;

5063 13. Government-owned law-enforcement vehicles, provided the lights are used for the purpose of  
 5064 giving directional warning to vehicular traffic to move one direction or another and are not lit while the  
 5065 vehicle is in motion;

5066 14. Chase vehicles when used to unload a hot air balloon or used to load a hot air balloon after  
 5067 landing, provided the amber lights are not lit while the vehicle is in motion;

5068 15. Vehicles used for farm, agricultural, or horticultural purposes, or any farm tractor;

5069 16. Vehicles owned and used by construction companies operating under Virginia contractors  
 5070 licenses;

5071 17. Vehicles used to lead or provide escorts for bicycle races authorized by the Department of  
 5072 Transportation or the locality in which the race is being conducted;

5073 18. Vehicles used by radio or television stations for remote broadcasts, provided that the amber lights  
 5074 are not lit while the vehicle is in motion;

5075 19. Vehicles used by municipal safety officers in the performance of their official duties. For the  
 5076 purpose of this subdivision, "municipal safety officers" means municipal employees responsible for  
 5077 managing municipal safety programs and ensuring municipal compliance with safety and environmental  
 5078 regulatory mandates;

5079 20. Vehicles used as pace cars, security vehicles, or fire-fighting vehicles by any speedway or motor  
 5080 vehicle race track, provided that the amber lights are not lit while the vehicle is being operated on a  
 5081 public highway;

5082 21. Vehicles used in patrol work by members of neighborhood watch groups approved by the chief  
 5083 law-enforcement officer of the locality in their assigned neighborhood watch program area, provided that  
 5084 the vehicles are clearly identified as neighborhood watch vehicles, and the amber lights are not lit while  
 5085 the vehicle is in motion; and

5086 22. Vehicles that are not tow trucks as defined in § 46.2-100, but are owned or controlled by a  
 5087 towing and recovery business, provided that the amber lights are lit only when the vehicle is being used  
 5088 at a towing and recovery site.

5089 B. Except as otherwise provided in this section, such amber lights shall be lit only when performing  
 5090 the functions which qualify them to be equipped with such lights.

5091 C. Vehicles used to lead or provide escorts for funeral processions may use either amber warning  
 5092 lights or purple warning lights, but amber warning lights and purple warning lights shall not  
 5093 simultaneously be used on the same vehicle. The Superintendent of State Police shall develop standards  
 5094 and specifications for purple lights authorized in this subsection.

5095 D. Vehicles used by police, ~~fire-fighting~~ *firefighting*, or ~~rescue~~ *emergency medical services* personnel  
 5096 as command centers at the scene of incidents may be equipped with and use green warning lights of a  
 5097 type approved by the Superintendent. Such lights shall not be activated while the vehicle is operating  
 5098 upon the highway.

5099 **§ 46.2-1027. Warning lights on certain demonstrator vehicles.**

5100 Dealers or businesses engaged in the sale of fire, ~~rescue~~ *emergency medical services*, or  
 5101 law-enforcement vehicles or ~~ambulances~~ may, for demonstration purposes, equip such vehicles with  
 5102 colored warning lights.

5103 **§ 46.2-1028. Auxiliary lights on firefighting, Virginia Department of Transportation, and other**  
 5104 **emergency vehicles.**

5105 Any ~~fire-fighting~~ *firefighting* vehicle, ~~ambulance~~, ~~rescue~~ or ~~life-saving~~ *emergency medical services*  
 5106 vehicle, Virginia Department of Transportation vehicle, or tow truck may be equipped with clear  
 5107 auxiliary lights, which shall be used exclusively for lighting emergency scenes. Such lights shall be of a  
 5108 type approved by the Superintendent, and shall not be used in a manner ~~which~~ *that* may blind or  
 5109 interfere with the vision of the drivers of approaching vehicles. In no event shall such lights be lighted  
 5110 while the vehicle is in motion.

5111 **§ 46.2-1029.2. Certain vehicles may be equipped with secondary warning lights.**

5112 In addition to other lights authorized by this article, any (i) fire apparatus, (ii) government-owned  
 5113 vehicle operated on official business by a local fire chief or other local fire official, and (iii) ~~rescue~~  
 5114 ~~squad vehicle~~, ~~ambulance~~, or any other *emergency medical services* vehicle may be equipped with  
 5115 alternating, blinking, or flashing red or red and white secondary warning lights mounted inside the  
 5116 vehicle's taillights or marker lights of a type approved by the Superintendent of State Police.

5117 **§ 46.2-1044. Cleats, etc., on tires; chains; tires with studs.**

5118 No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat,  
 5119 spike, or any other protuberance of any material other than rubber which projects beyond the tread of

the traction surface of the tire. It shall be permissible, however, to use on the highways farm machinery having protuberances which will not injure the highway and to use tire chains of reasonable proportions when required for safety because of snow, ice, or other conditions tending to cause a vehicle to slide or skid. It shall also be permissible to use on any vehicle whose gross weight does not exceed 10,000 pounds tires with studs which project no more than one-sixteenth of an inch beyond the tread of the traction surface of the tire when compressed if the studs cover no more than three percent of the traction surface of the tire.

The use of studded tires shall be permissible only from October 15 to April 15.

The provisions of this section shall not apply to any (i) law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer; (ii) vehicle used to fight fire, including publicly owned state forest warden vehicles; (iii) ambulance, rescue, or life-saving emergency medical services vehicle; or (iv) vehicle owned or operated by the Virginia Department of Transportation or its contractors in maintenance and emergency response operations.

**§ 46.2-1052. Tinting films, signs, decals, and stickers on windshields, etc.; penalties.**

A. Except as otherwise provided in this article or permitted by federal law, it shall be unlawful for any person to operate any motor vehicle on a highway with any sign, poster, colored or tinted film, sun-shading material, or other colored material on the windshield, front or rear side windows, or rear windows of such motor vehicle. This provision, however, shall not apply to any certificate or other paper required by law or permitted by the Superintendent to be placed on a motor vehicle's windshield or window.

The size of stickers or decals used by counties, cities, and towns in lieu of license plates shall be in compliance with regulations promulgated by the Superintendent. Such stickers shall be affixed on the windshield at a location designated by the Superintendent.

B. Notwithstanding the foregoing provisions of this section, whenever a motor vehicle is equipped with a mirror on each side of such vehicle, so located as to reflect to the driver of such vehicle a view of the highway for at least 200 feet to the rear of such vehicle, any or all of the following shall be lawful:

1. To drive a motor vehicle equipped with one optically grooved clear plastic right-angle rear view lens attached to one rear window of such motor vehicle, not exceeding 18 inches in diameter in the case of a circular lens or not exceeding 11 inches by 14 inches in the case of a rectangular lens, which enables the driver of the motor vehicle to view below the line of sight as viewed through the rear window;

2. To have affixed to the rear side windows, rear window or windows of a motor vehicle any sticker or stickers, regardless of size; or

3. To drive a motor vehicle when the driver's clear view of the highway through the rear window or windows is otherwise obstructed.

C. Except as provided in § 46.2-1053, but notwithstanding the foregoing provisions of this section, no sun-shading or tinting film may be applied or affixed to any window of a motor vehicle unless such motor vehicle is equipped with a mirror on each side of such motor vehicle, so located as to reflect to the driver of the vehicle a view of the highway for at least 200 feet to the rear of such vehicle, and the sun-shading or tinting film is applied or affixed in accordance with the following:

1. No sun-shading or tinting films may be applied or affixed to the rear side windows or rear window or windows of any motor vehicle operated on the highways of ~~this~~ the Commonwealth that reduce the total light transmittance of such window to less than 35 percent;

2. No sun-shading or tinting films may be applied or affixed to the front side windows of any motor vehicle operated on the highways of ~~this~~ the Commonwealth that reduce total light transmittance of such window to less than 50 percent;

3. No sun-shading or tinting films shall be applied or affixed to any window of a motor vehicle that (i) have a reflectance of light exceeding 20 percent or (ii) produce a holographic or prism effect.

Any person who operates a motor vehicle on the highways of ~~this~~ the Commonwealth with sun-shading or tinting films that (i) have a total light transmittance less than that required by subdivisions 1 and 2 of ~~this subsection~~, (ii) have a reflectance of light exceeding 20 percent, or (iii) produce holographic or prism effects ~~shall be~~ is guilty of a traffic infraction but shall not be awarded any demerit points by the Commissioner for the violation.

Any person or firm who applies or affixes to the windows of any motor vehicle in Virginia sun-shading or tinting films that (i) reduce the light transmittance to levels less than that allowed in subdivisions 1 and 2 of ~~this subsection~~, (ii) have a reflectance of light exceeding 20 percent, or (iii) produce holographic or prism effects ~~shall be~~ is guilty of a Class 3 misdemeanor for the first offense and of a Class 2 misdemeanor for any subsequent offense.

D. The Division of Purchases and Supply, pursuant to § 2.2-1112, shall determine the proper standards for equipment or devices used to measure light transmittance through windows of motor

5181 vehicles. Law-enforcement officers shall use only such equipment or devices to measure light  
 5182 transmittance through windows that meet the standards established by the Division. Such measurements  
 5183 made by law-enforcement officers shall be given a tolerance of minus seven percentage points.

5184 E. No film or darkening material may be applied on the windshield except to replace the sunshield in  
 5185 the uppermost area as installed by the manufacturer of the vehicle.

5186 F. Nothing in this section shall prohibit the affixing to the rear window of a motor vehicle of a  
 5187 single sticker no larger than 20 square inches if such sticker is totally contained within the lower five  
 5188 inches of the glass of the rear window, nor shall subsection B of this section apply to a motor vehicle to  
 5189 which but one such sticker is so affixed.

5190 G. Nothing in this section shall prohibit applying to the rear side windows or rear window of any  
 5191 multipurpose passenger vehicle or pickup truck sun-shading or tinting films that reduce the total light  
 5192 transmittance of such window or windows below 35 percent.

5193 H. As used in this article:

5194 "Front side windows" means those windows located adjacent to and forward of the driver's seat;

5195 "Holographic effect" means a picture or image that may remain constant or change as the viewing  
 5196 angle is changed;

5197 "Multipurpose passenger vehicle" means any motor vehicle that is (i) designed to carry no more than  
 5198 10 persons and (ii) constructed either on a truck chassis or with special features for occasional off-road  
 5199 use;

5200 "Prism effect" means a visual, iridescent, or rainbow-like effect that separates light into various  
 5201 colored components that may change depending on viewing angle;

5202 "Rear side windows" means those windows located to the rear of the driver's seat;

5203 "Rear window" or "rear windows" means those windows which are located to the rear of the  
 5204 passenger compartment of a motor vehicle and which are approximately parallel to the windshield.

5205 I. Notwithstanding the foregoing provisions of this section, sun-shading material which was applied  
 5206 or installed prior to July 1, 1987, in a manner and on which windows not then in violation of Virginia  
 5207 law, shall continue to be lawful, provided that it can be shown by appropriate receipts that such material  
 5208 was installed prior to July 1, 1987.

5209 J. Where a person is convicted within one year of a second or subsequent violation of this section  
 5210 involving the operation of the same vehicle having a tinted or smoked windshield, the court, in addition  
 5211 to any other penalty, may order the person so convicted to remove such tinted or smoked windshield  
 5212 from the vehicle.

5213 K. The provisions of this section shall not apply to law-enforcement vehicles.

5214 L. The provisions of this section shall not apply to the rear windows or rear side windows of any  
 5215 ambulance, rescue squad vehicle, or any other emergency medical services vehicle used to transport  
 5216 patients.

5217 M. The provisions of subdivision C 1 of this section shall not apply to sight-seeing carriers as  
 5218 defined in § 46.2-2000 and contract passenger carriers as defined in § 46.2-2000.

#### 5219 **§ 46.2-1076. Lettering on certain vehicles.**

5220 A. No person shall drive, cause to be driven, or permit the driving of a "for hire" motor vehicle on  
 5221 the highways in the Commonwealth unless the legal name or trade name of the motor carrier as defined  
 5222 in Chapter 20 (§ 46.2-2000 et seq.) or Chapter 21 (§ 46.2-2100 et seq.) operating the vehicle is plainly  
 5223 displayed on both sides of the vehicle. The letters and numerals in the display shall be of such size,  
 5224 shape, and color as to be readily legible during daylight hours from a distance of fifty 50 feet while the  
 5225 vehicle is not in motion. The display shall be kept legible and may take the form of a removable device  
 5226 which meets the identification and legibility requirements of this section.

5227 B. This section shall not apply to any motor vehicle:

5228 1. Having a registered gross weight of less than 10,000 pounds;

5229 2. Which is used exclusively for wedding, ambulance, weddings or funeral services; or

5230 3. Which is rented without chauffeur and operated under a valid lease which gives the lessee  
 5231 exclusive control of the vehicle; or

5232 4. Which is used exclusively as an emergency medical services vehicle.

5233 C. Subsection A of this section shall also apply to tow trucks used in providing service to the public  
 5234 for hire. For the purposes of this section, "tow truck" means any motor vehicle which is constructed and  
 5235 used primarily for towing, lifting, or otherwise moving disabled vehicles.

5236 D. No person shall drive on the highways in the Commonwealth a pickup or panel truck, tractor  
 5237 truck, trailer, or semitrailer bearing any name other than that of the vehicle's owner or lessee. However,  
 5238 the provisions of this subsection shall not apply to advertising material for another, displayed pursuant to  
 5239 a valid contract.

#### 5240 **§ 46.2-1077.1. Mobile infrared transmitters; demerit points not to be awarded.**

5241 A. It shall be unlawful for any person to operate a motor vehicle on the highways of the

Commonwealth when such vehicle is equipped with a mobile infrared transmitter or any other device or mechanism, passive or active, used to preempt or change the signal given by a traffic light so as to give the right-of-way to the vehicle equipped with such device. It shall be unlawful to use any such device or mechanism on any such motor vehicle on the highways. It shall be unlawful to sell any such device or mechanism in the Commonwealth, except for uses permitted under this section. In addition, the provisions of this section shall not apply to any law-enforcement, ~~fire-fighting~~ *firefighting*, ~~life-saving, or rescue vehicle or ambulance or emergency medical services vehicle~~ responding to an emergency call or operating in an emergency situation or any vehicle providing public transportation service in a corridor approved for public transportation priority by the Virginia Department of Transportation or the governing body of any county, city, or town having control of the highways within its boundaries.

This section shall not be construed to authorize the forfeiture to the Commonwealth of any such device or mechanism. Any such device or mechanism may be taken by the arresting officer if needed as evidence, and, when no longer needed, shall be returned to the person charged with a violation of this section, or at that person's request and his expense, mailed to an address specified by him. Any unclaimed devices may be destroyed on court order after six months have elapsed from the final date for filing an appeal.

Except as provided in subsection B of this section, the presence of any such prohibited device or mechanism in or on a motor vehicle on the highways of the Commonwealth shall constitute prima facie evidence of the violation of this section. The Commonwealth need not prove that the device or mechanism in question was in an operative condition or being operated.

B. A person shall not be guilty of a violation of this section when the device or mechanism in question, at the time of the alleged offense, had no power source and was not readily accessible for use by the driver or any passenger in the vehicle.

C. No demerit points shall be awarded by the Commissioner for violations of this section.

**§ 46.2-1078.1. Use of handheld personal communications devices in certain motor vehicles; exceptions; penalty.**

A. It is unlawful for any person to operate a moving motor vehicle on the highways in the Commonwealth while using any handheld personal communications device to:

1. Manually enter multiple letters or text in the device as a means of communicating with another person; or

2. Read any email or text message transmitted to the device or stored within the device, provided that this prohibition shall not apply to any name or number stored within the device nor to any caller identification information.

B. The provisions of this section shall not apply to:

1. The operator of any emergency vehicle while he is engaged in the performance of his official duties;

2. An operator who is lawfully parked or stopped;

3. The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system; or

4. Any person using a handheld personal communications device to report an emergency.

C. A violation of this section is a traffic infraction punishable, for a first offense, by a fine of \$125 and, for a second or subsequent offense, by a fine of \$250.

For the purposes of this section, "emergency vehicle" means:

1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer;

2. Any regional detention center vehicle operated by or under the direction of a correctional officer responding to an emergency call or operating in an emergency situation;

3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when traveling in response to a fire alarm or emergency call;

4. Any ~~ambulance, rescue, or life-saving~~ *emergency medical services* vehicle designed or used for the principal purpose of ~~supplying resuscitation or emergency relief~~ *medical services* where human life is endangered;

5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services vehicle, when responding to an emergency call or operating in an emergency situation;

6. Any Department of Corrections vehicle designated by the Director of the Department of Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a request for assistance from a law-enforcement officer; and

7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and white secondary warning lights pursuant to § 46.2-1029.2.

D. Distracted driving shall be included as a part of the driver's license knowledge examination.

**§ 46.2-1239. Parking in certain locations; penalty.**

No person shall park a vehicle or permit it to stand, whether attended or unattended, on a highway in front of a private driveway, within ~~fifteen~~ 15 feet of a fire hydrant or the entrance to a fire station, within ~~fifteen~~ 15 feet of the entrance to a plainly designated building housing rescue squad equipment or ambulances emergency medical services agency, or within ~~twenty~~ 20 feet from the intersection of curb lines or, if none, then within ~~fifteen~~ 15 feet of the intersection of property lines at any highway intersection.

**§ 46.2-1900. Definitions.**

Unless the context otherwise requires, the following words and terms for the purpose of this chapter shall have the following meanings:

"Certificate of origin" means the document provided by the manufacturer of a new T&M vehicle, or its distributor, which is the only valid indication of ownership between the manufacturer, its distributor, its franchised T&M vehicle dealers, and the original purchaser not for resale.

"Dealer-operator" means the individual who works at the established place of business of a dealer and who is responsible for and in charge of day-to-day operations of that place of business.

"Distributor" means a person who sells or distributes new T&M vehicles pursuant to a written agreement with the manufacturer, to franchised T&M vehicle dealers in the Commonwealth.

"Distributor branch" means a branch office maintained by a distributor for the sale of T&M vehicles to T&M vehicle dealers or for directing or supervising, in whole or in part, its representatives in the Commonwealth.

"Distributor representative" means a person employed by a distributor or by a distributor branch, for the purpose of making or promoting the sale of T&M vehicles or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

"Factory branch" means a branch office maintained by a person for the sale of T&M vehicles to distributors or for the sale of T&M vehicles to T&M vehicle dealers, or for directing or supervising, in whole or in part, its representatives in the Commonwealth.

"Factory representative" means a person employed by a person who manufactures or assembles T&M vehicles, or by a factory branch for the purpose of making or promoting the sale of its T&M vehicles, or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

"Factory repurchase T&M vehicle" means a T&M vehicle sold, leased, rented, consigned, or otherwise transferred to a person under an agreement that the T&M vehicle will be resold or otherwise retransferred only to the manufacturer or distributor of the T&M vehicle, and which is reacquired by the manufacturer or distributor, or its agents.

"Family member" means a person who either (i) is the spouse, child, grandchild, spouse of a child, spouse of a grandchild, brother, sister, or parent of the dealer or owner, or (ii) has been employed continuously by the dealer for at least five years.

"Franchise" means a written contract or agreement between two or more persons whereby one person, the franchisee, is granted the right to engage in the business of offering and selling, servicing, or offering, selling, and servicing new T&M vehicles of a particular line-make or late model or factory repurchase T&M vehicles of a particular line-make manufactured or distributed by the grantor of the right, the franchisor, and where the operation of the franchisee's business is substantially associated with the franchisor's trademark, trade name, advertising, or other commercial symbol designating the franchisor, the T&M vehicle or its manufacturer or distributor. The term shall include any severable part or parts of a franchise agreement which separately provides for selling and servicing different line-makes of the franchisor.

"Franchised late model or factory repurchase T&M vehicle dealer" means a dealer in late model or factory repurchase T&M vehicles, including a franchised new T&M vehicle dealer, that has a franchise agreement with a manufacturer or distributor of the line-make of the late model or factory repurchase T&M vehicles.

"Franchised T&M vehicle dealer" or "franchised dealer" means a dealer in new T&M vehicles that has a franchise agreement with a manufacturer or distributor of new T&M vehicles.

"Independent T&M vehicle dealer" means a dealer in used T&M vehicles.

"Late model T&M vehicle" means a T&M vehicle of the current model year and the immediately preceding model year.

"Manufacturer" means a person engaged in the business of constructing or assembling new T&M vehicles or a person engaged in the business of manufacturing engines, power trains, or rear axles, when such engines, power trains, or rear axles are not warranted by the final manufacturer or assembler of the motor home.

"Motor home" means a motor vehicle with a normal seating capacity of not more than ~~ten~~ 10 persons, including the driver, designed primarily for use as living quarters for human beings.

"Motor vehicle dealer," "motor vehicle manufacturer," "motor vehicle factory branch," "motor vehicle



distributor," "motor vehicle distributor branch," "motor vehicle factory representative," and "motor vehicle distributor representative" mean the same as provided in § 46.2-1500.

"New T&M vehicle" means any T&M vehicle ~~which~~ *that* (i) has not been previously sold except in good faith for the purpose of resale, (ii) has not been used as a rental, driver education, or demonstration T&M vehicle, or for the personal and business transportation of the manufacturer, distributor, dealer, or any of his employees, (iii) has not been used except for limited use necessary in moving or road testing the T&M vehicle prior to delivery to a customer, (iv) is transferred by a certificate of origin, and (v) has the manufacturer's certification that it conforms to all applicable federal T&M vehicle safety and emission standards. Notwithstanding provisions (i) and (iii), a T&M vehicle that has been previously sold but not titled shall be deemed a new T&M vehicle if it meets the requirements of provisions (ii), (iv), and (v) of this definition.

"Original license" means a T&M vehicle dealer license issued to an applicant who has never been licensed as a T&M vehicle dealer in Virginia or whose Virginia T&M vehicle dealer license has been expired for more than ~~thirty~~ 30 days.

"Relevant market area" means as follows:

1. In metropolitan localities with a population of 250,000, the relevant market area shall be a circular area around an existing franchised dealer not to exceed a radius of ~~ten~~ 10 miles, but in no case less than seven miles.

2. If the population in an area within a radius of ~~ten~~ 10 miles around an existing franchised dealer is less than 250,000, but the population in an area within a radius of ~~fifteen~~ 15 miles around an existing franchised dealer is 150,000 or more, the relevant market area shall be that area within the ~~fifteen-mile~~ 15-mile radius.

3. In all other cases the relevant market area shall be an area within a radius of ~~twenty~~ 20 miles around an existing franchised dealer or the area of responsibility defined in the franchise, whichever is greater. In any case where the franchise agreement is silent as to area responsibility, the relevant market area shall be the greater of an area within a radius of ~~twenty~~ 20 miles around an existing franchised dealer or that area in which the franchisor otherwise requires the franchisee to make significant retail sales or sales efforts.

In determining population for this definition, the most recent census by the U.S. Bureau of the Census or the most recent population update, either from the National Planning Data Corporation or other similar recognized source, shall be accumulated for all census tracts either wholly or partially within the relevant market area.

"Retail installment sale" means every sale of one or more T&M vehicles to a buyer for his use and not for resale, in which the price of the T&M vehicle is payable in one or more installments and in which the seller has either retained title to the goods or has taken or retained a security interest in the goods under form of contract designated either as a security agreement, conditional sale, bailment lease, chattel mortgage, or otherwise.

"Sale at retail" or "retail sale" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a T&M vehicle to a buyer for his personal use and not for resale.

"Sale at wholesale" or "wholesale" means a sale to T&M vehicle dealers or wholesalers other than to consumers, or a sale to one who intends to resell.

"T&M vehicle" means motor homes and travel trailers as defined in this section.

"T&M vehicle dealer" or "dealer" means any person who:

1. For commission, money, or other thing of value, buys, sells, exchanges, either outright or on conditional sale, bailment lease, chattel mortgage, or otherwise or arranges or offers or attempts to solicit or negotiate on behalf of others a sale, purchase, or exchange of an interest in new T&M vehicles, new and used T&M vehicles, or used T&M vehicles alone, whether or not the T&M vehicles are owned by him;

2. Is wholly or partly engaged in the business of selling new T&M vehicles, new and used T&M vehicles, or used T&M vehicles only, whether or not the T&M vehicles are owned by him; or

3. Offers to sell, sells, displays, or permits the display for sale, of five or more T&M vehicles within any ~~twelve~~ 12 consecutive months.

The term "T&M vehicle dealer" does not include:

1. Receivers, trustees, administrators, executors, guardians, conservators or other persons appointed by or acting under judgment or order of any court or their employees when engaged in the specific performance of their duties as employees.

2. Public officers, their deputies, assistants, or employees, while performing their official duties.

3. Persons other than business entities primarily engaged in the leasing or renting of T&M vehicles to others when selling or offering such vehicles for sale at retail, disposing of T&M vehicles acquired for their own use and actually so used, when the T&M vehicles have been so acquired and used in good faith and not for the purpose of avoiding the provisions of this chapter.

5425 4. Persons dealing solely in the sale and distribution of ~~fire-fighting~~ *firefighting* equipment,  
 5426 ~~ambulances~~ *emergency medical services vehicles*, and funeral vehicles, including T&M vehicles adapted  
 5427 therefor; however, this exemption shall not exempt any person from the provisions of §§ 46.2-1919,  
 5428 46.2-1920 and 46.2-1949.

5429 5. Any financial institution chartered or authorized to do business under the laws of the  
 5430 Commonwealth or the United States which may have received title to a T&M vehicle in the normal  
 5431 course of its business by reason of a foreclosure, other taking, repossession, or voluntary reconveyance  
 5432 to that institution occurring as a result of any loan secured by a lien on the T&M vehicle.

5433 6. An employee of an organization arranging for the purchase or lease by the organization of T&M  
 5434 vehicles for use in the organization's business.

5435 7. Any person licensed to sell real estate who sells a manufactured home or similar vehicle in  
 5436 conjunction with the sale of the parcel of land on which the manufactured home or similar vehicle is  
 5437 located.

5438 8. Any person who permits the operation of a T&M vehicle show or permits the display of T&M  
 5439 vehicles for sale by any T&M vehicle dealer licensed under this chapter.

5440 9. An insurance company authorized to do business in the Commonwealth that sells or disposes of  
 5441 T&M vehicles under a contract with its insured in the regular course of business.

5442 10. Any publication, broadcast, or other communications media when engaged in the business of  
 5443 advertising, but not otherwise arranging for the sale of T&M vehicles owned by others.

5444 11. Any person dealing solely in the sale or lease of T&M vehicles designed exclusively for off-road  
 5445 use.

5446 12. Any credit union authorized to do business in Virginia, provided the credit union does not  
 5447 receive a commission, money, or other thing of value directly from a T&M vehicle dealer.

5448 13. Any person licensed as a manufactured home dealer, broker, manufacturer, or salesperson under  
 5449 Chapter 4.2 (§ 36-85.16 et seq.) of Title 36.

5450 "T&M vehicle salesperson" or "salesperson" means any person who is licensed as and employed as a  
 5451 salesperson by a T&M vehicle dealer to sell or exchange T&M vehicles.

5452 "T&M vehicle show" means a display of T&M vehicles to the general public at a location other than  
 5453 a dealer's location licensed under this chapter where the T&M vehicles are not being offered for sale or  
 5454 exchange during or as part of the display.

5455 "Travel trailer" means a vehicle designed to provide temporary living quarters of such size or weight  
 5456 as not to require special highway movement permits when towed by a motor vehicle and having a gross  
 5457 trailer area less than 320 square feet.

5458 "Used T&M vehicle" means any T&M vehicle other than a new T&M vehicle as defined in this  
 5459 section.

5460 "Wholesale auction" means an auction of T&M vehicles restricted to sales at wholesale.

5461 **§ 46.2-2000.1. Vehicles excluded from operation of chapter.**

5462 This chapter shall not be construed to include:

5463 1. Motor vehicles employed solely in transporting school children and teachers;

5464 2. Taxicabs, or other motor vehicles performing bona fide taxicab service, having a seating capacity  
 5465 of not more than six passengers, excluding the driver, while operating in a county, city, or town which  
 5466 has or adopts an ordinance regulating and controlling taxicabs and other vehicles performing a bona fide  
 5467 taxicab service, and not operating on a regular route or between fixed termini;

5468 3. Motor vehicles owned or operated by or on behalf of hotels while used exclusively for the  
 5469 transportation of hotel patronage between hotels and local railroad or other common carrier stations;

5470 4. Motor vehicles owned and operated by the United States, the District of Columbia, or any state, or  
 5471 any municipality or any other political subdivision of this Commonwealth, including passenger-carrying  
 5472 motor vehicles while being operated under an exclusive contract with the United States;

5473 5. Any motor vehicle designed with a seating capacity for and used to transport not more than ~~fifteen~~  
 5474 *15* passengers, including the driver, if the driver and the passengers are engaged in a share-the-ride  
 5475 undertaking and if they share not more than the expenses of operation of the vehicle. Regular payments  
 5476 toward a capital recovery fund not exceeding the cost of the vehicle or used to pay for leasing the  
 5477 vehicle are to be considered eligible expenses of operation;

5478 6. Unless otherwise provided, motor vehicles while used exclusively in the transportation of  
 5479 passengers within the corporate limits of incorporated cities or towns, and motor vehicles used  
 5480 exclusively in the regular transportation of passengers within the boundaries of such cities or towns and  
 5481 adjacent counties where such vehicles are being operated by such county or pursuant to a contract with  
 5482 the board of supervisors of such county;

5483 7. Motor vehicles while operated under the exclusive regulatory control of a transportation district  
 5484 commission acting pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title  
 5485 33.2;

8. Motor vehicles used for the transportation of passengers by nonprofit, nonstock corporations funded solely by federal, state or local subsidies, the use of which motor vehicles are restricted as to regular and irregular routes to contracts with four or more counties and, at the commencement of the operation, no certificated carrier provides the same or similar services within such counties; and

9. ~~Ambulances~~ *Emergency medical services vehicles* as defined in § 32.1-111.1.

**§ 51.1-153. Service retirement.**

A. Normal retirement. - Any member in service at his normal retirement date with five or more years of creditable service may retire at any time upon written notification to the Board setting forth the date the retirement is to become effective. Any member in service who was denied membership prior to July 1, 1987, as a result of being age 60 or over when first employed may retire at any time after his normal retirement date and the requirement of having five or more years of service shall not apply.

B. Early retirement. - 1. Any member in service who has attained his fifty-fifth birthday with five or more years of creditable service may retire prior to his normal retirement date upon written notification to the Board setting forth the date the retirement is to become effective.

However, a person who becomes a member on or after July 1, 2010, or a member who does not have at least 60 months of creditable service as of January 1, 2013, under this chapter shall be allowed to retire under this subdivision prior to his normal retirement date only if the person is in service and has attained his sixtieth birthday with five or more years of creditable service, and the benefit for such person shall be calculated in accordance with the provisions of subdivision A 3 of § 51.1-155.

2. Subject to the provisions of subdivision 3, any state employee, teacher, or employee of a political subdivision who is a member of the retirement system may retire prior to his normal retirement date after attaining age 50 and 30 years of creditable service, upon written notification to the Board setting forth the date the retirement is to become effective. The benefit for such member shall be calculated in accordance with the provisions of subdivision A 1 of § 51.1-155.

3. A person who becomes a member on or after July 1, 2010, or a member who does not have at least 60 months of creditable service as of January 1, 2013, as a state employee, teacher, or employee of a political subdivision may retire prior to his normal retirement date after the sum of his age and years of creditable service equals 90, upon written notification to the Board setting forth the date the retirement is to become effective. The benefit for such member shall be calculated in accordance with the provisions of subdivision A 1 of § 51.1-155.

4. Notwithstanding the foregoing, a political subdivision by legally adopted resolution may declare to the Board that, for purposes of subdivisions B 1 and B 3 and subsection D, and subdivision A 3 of § 51.1-155, any person who is *an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or who is employed as a firefighter, emergency medical technician, or law-enforcement officer as those terms are defined in § 15.2-1512.2 (i)* shall not be considered a person who becomes a member on or after July 1, 2010, and (ii) shall be deemed to have at least 60 months of creditable service as of January 1, 2013. Such resolution shall be irrevocable.

C. Deferred retirement for members terminating service. - Any member who terminates service after five or more years of creditable service, regardless of termination date, may retire under the provisions of subsection A, B, or D of this section if he has not withdrawn his accumulated contributions prior to the effective date of his retirement or if he has five or more years of creditable service for which his employer has paid the contributions and such contributions cannot be withdrawn. For the purposes of this subsection, any requirements as to the member being in service shall not apply.

D. 50/10 retirement. - Any member in service on or after January 1, 1994, who has attained his fiftieth birthday with 10 or more years of creditable service may retire prior to his normal retirement date upon written notification to the Board setting forth the date the retirement is to become effective. A person who becomes a member on or after July 1, 2010, or a member who does not have at least 60 months of creditable service as of January 1, 2013, shall not be allowed to retire pursuant to this subsection.

E. Effective date of retirement. - The effective date of retirement shall be after the last day of service of the member, but shall not be more than 90 days prior to the filing of the notice of retirement.

F. Notification on behalf of member. - If the member is physically or mentally unable to submit written notification of his intention to retire, the member's appointing authority may submit notification on his behalf.

**§ 51.1-155. Service retirement allowance.**

A. Retirement allowance. - A member shall receive an annual retirement allowance, payable for life, as follows:

1. Normal retirement. - The allowance shall equal 1.70 percent of his average final compensation multiplied by the amount of his creditable service. Notwithstanding the foregoing, for a member who (i) is a person who becomes a member on or after July 1, 2010, or (ii) does not have at least 60 months of creditable service as of January 1, 2013, the allowance shall equal the sum of (a) 1.65 percent of his

average final compensation multiplied by the amount of his creditable service performed or purchased on or after January 1, 2013, and (b) 1.70 percent of his average final compensation multiplied by the amount of all other creditable service.

2. Early retirement; applicable to teachers, state employees, and certain others. - The allowance shall be determined in the same manner as for normal retirement with creditable service and average final compensation being determined as of the date of actual retirement. If the member has less than 30 years of service at retirement, the amount of the retirement allowance shall be reduced on an actuarial equivalent basis for the period by which the actual retirement date precedes the earlier of (i) his normal retirement date or (ii) the first date on which he would have completed a total of 30 years of creditable service. The provisions of this subdivision shall apply to teachers and state employees. These provisions shall also apply to employees of any political subdivision that participates in the retirement system if the political subdivision makes the election provided in subdivision 3.

3. Early retirement; applicable to employees of certain political subdivisions, any person who becomes a member on or after July 1, 2010, and any member who does not have at least 60 months of creditable service as of January 1, 2013. - The allowance shall be determined in the same manner as for normal retirement with creditable service and average final compensation being determined as of the date of actual retirement. If the creditable service of the member equals 30 or more years but the sum of his age at retirement plus his creditable service at retirement is less than 90, the amount of the retirement allowance shall be reduced on an actuarial equivalent basis for the period by which the actual retirement date precedes the earlier of (i) his normal retirement date or (ii) the first date on which the sum of his then attained age plus his then creditable service would have been equal to 90 or more had he remained in service until such date. If the member has less than 30 years of creditable service, the retirement allowance shall be reduced for the period by which the actual retirement date precedes the earlier of (i) his normal retirement date or (ii) the first date on which he would have completed a total of at least 30 years of creditable service and his then creditable service plus his then attained age would have been equal to 90 or more.

The provisions of this subdivision shall apply to the employees of any political subdivision that participates in the retirement system and any other employees as provided by law. The participating political subdivision may, however, elect to provide its employees with the early retirement allowance set forth in subdivision 2. No such election shall be made for a person who becomes a member on or after July 1, 2010, or a member who does not have at least 60 months of creditable service as of January 1, 2013. Any election pursuant to this subdivision shall be set forth in a legally adopted resolution.

Notwithstanding the foregoing, a political subdivision by legally adopted resolution may declare to the Board that, for purposes of this subdivision, subdivisions B 1 and B 3 and subsection D of § 51.1-153, any person who *meets the definition of "emergency medical services personnel" in § 32.1-111.1* or is employed as a firefighter, ~~emergency medical technician~~, or law-enforcement officer as those terms are defined in § 15.2-1512.2 (i) shall not be considered a person who becomes a member on or after July 1, 2010, and (ii) shall be deemed to have at least 60 months of creditable service as of January 1, 2013. Such resolution shall be irrevocable.

4. Additional allowance. - In addition to the allowance payable under subdivisions 1, 2, and 3, a member shall receive an additional allowance which shall be the actuarial equivalent, for his attained age at the time of retirement, of the excess of his accumulated contributions transferred from the abolished system to the retirement system, including interest credited at the rate of two percent compounded annually since the transfer to the date of retirement, over the annual amounts equal to four percent of his annual creditable compensation at the date of abolishment for a period equal to his period of membership in the abolished system.

5. 50/10 retirement. - The allowance shall be payable in a monthly stream of payments equal to the greater of (i) the actuarial equivalent of the benefit the member would have received had he terminated service and deferred retirement to age 55 or (ii) the actuarially calculated present value of the member's accumulated contributions, including accrued interest.

B. Beneficiary serving in position covered by this title.

1. Except as provided in subdivisions 2 and 3, if a beneficiary of a service retirement allowance under this chapter or the provisions of Chapters 2 (§ 51.1-200 et seq.), 2.1 (§ 51.1-211 et seq.), or 3 (§ 51.1-300 et seq.) is at any time in service as an employee in a position covered for retirement purposes under the provisions of this or any chapter other than Chapter 6 (§ 51.1-600 et seq.), 6.1 (§ 51.1-607 et seq.), or 7 (§ 51.1-700 et seq.), his retirement allowance shall cease while so employed. Any member who retires and later returns to covered employment shall not be entitled to select a different retirement option for a subsequent retirement.

2. Active members of the General Assembly who are eligible to receive a retirement allowance under this title, excluding their service as a member of the General Assembly, shall be eligible to receive a

retirement allowance based on their creditable service and average final compensation for service other than as a member of the General Assembly. Such members of the General Assembly shall continue to be reported as any other members of the retirement system. Upon ceasing to serve in the General Assembly, members of the General Assembly receiving a retirement allowance based on their creditable service and average final compensation for service other than as a member of the General Assembly shall have their retirement allowance recomputed prospectively to include their service as a member of the General Assembly. Active members of the General Assembly shall be prohibited from receiving a service retirement allowance under this title based solely on their service as a member of the General Assembly.

3. (Expires July 1, 2015) Any person receiving a service retirement allowance under this chapter, who is hired as a local school board instructional or administrative employee required to be licensed by the Board of Education, may elect to continue to receive the retirement allowance during such employment, under the following conditions:

(a) The person has been receiving such retirement allowance for a certain period of time preceding his employment as provided by law;

(b) The person is not receiving a retirement benefit pursuant to an early retirement incentive program from any local school division within the Commonwealth; and

(c) At the time the person is employed, the position to which he is assigned is among those identified by the Superintendent of Public Instruction pursuant to subdivision 4 of § 22.1-23, by the relevant division superintendent, pursuant to § 22.1-70.3, or by the relevant local school board, pursuant to subdivision 9 of § 22.1-79.

If the person elects to continue to receive the retirement allowance during the period of such employment, then his service performed and compensation received during such period of time will not increase, decrease, or affect in any way his retirement benefits before, during, or after such employment.

**§ 51.1-169. Hybrid retirement program.**

A. For purposes of this section, "hybrid retirement program" or "program" means a hybrid retirement program covering any employee in a position covered for retirement purposes under the provisions of Chapter 1 (§ 51.1-124.1 et seq.) for retirement purposes other than the Virginia Retirement System defined benefit retirement plan established under Chapter 1 (§ 51.1-124.1 et seq.). Persons who are participants in, or eligible to be participants in, the retirement plans under the provisions of Chapter 2 (§ 51.1-200 et seq.), Chapter 2.1 (§ 51.1-211 et seq.), the optional retirement plans established under §§ 51.1-126.1, 51.1-126.3, 51.1-126.4, and 51.1-126.7, or a person eligible to earn the benefits permitted by § 51.1-138 shall not be eligible to participate in the hybrid retirement program. Any person who *meets the definition of "emergency medical services personnel" in § 32.1-111.1* or is employed as a firefighter, ~~emergency medical technician~~, or law-enforcement officer as those terms are defined in § 15.2-1512.2 and whose employing political subdivision has legally adopted an irrevocable resolution as described in subdivision B 4 of § 51.1-153 and subdivision A 3 of § 51.1-155 shall not be eligible to participate in the hybrid retirement program. No member of the Judicial Retirement System under Chapter 3 (§ 51.1-300 et seq.) shall be eligible to participate in the hybrid retirement program described in § 51.1-169 except members appointed to an original term on or after January 1, 2014.

The Board shall maintain the hybrid retirement program established by this section, and any employer is authorized to make contributions under such program for the benefit of its employees participating in such program. Every person who is otherwise eligible to participate in the program but is not a member of a retirement plan administered by the Virginia Retirement System the first time he is hired on or after January 1, 2014, in a covered position, shall participate in the hybrid retirement program established by this section.

A person who participates in the otherwise applicable defined benefit retirement plan established by this title and administered by the Virginia Retirement System under this chapter may make an irrevocable election to participate in the hybrid retirement program maintained under this section. Such election shall be exercised no later than April 30, 2014. If an election is not made by April 30, 2014, such employee shall be deemed to have elected not to participate in the hybrid retirement program and shall continue to participate in his current retirement plan.

B. 1. The employer shall make contributions to the defined benefit component of the program in accordance with § 51.1-145.

2. The employer shall make a mandatory contribution to the defined contribution component of the program on behalf of an employee participating in the program in the amount of one percent of creditable compensation. In addition, the employer shall make a matching contribution on behalf of the employee based on the employee's voluntary contributions under the defined contribution component of the program to the deferred compensation plan established under § 51.1-602, up to a maximum of 2.5 percent of creditable compensation for the payroll period, as follows: (i) 100 percent of the first one percent of creditable compensation contributed by the employee to the defined contribution component

of the program under subdivision C 2 for the payroll period, and (ii) 50 percent of the next three percent of creditable compensation contributed by the employee to the defined contribution component of the program under subdivision C 2 for the payroll period. The matching contribution by the employer shall be made to the appropriate cash match plan established for the employee under § 51.1-608.

3. The total amount contributed by the employer under subdivision 2 shall vest to the employee's benefit according to the following schedule:

- a. Upon completion of two years of active participation, 50 percent.
- b. Upon completion of three years of active participation, 75 percent.
- c. Upon completion of four years of active participation, 100 percent.

For purposes of this subdivision, "active participation" includes creditable service, as defined in § 51.1-124.3, in any retirement plan established by this title and administered by the Retirement System.

If an employee terminates employment with an employer prior to achieving 100 percent vesting, contributions made by an employer on behalf of the employee under subdivision 2 that are not vested, shall be forfeited. The Board may establish a forfeiture account and may specify the uses of the forfeiture account.

4. An employee may direct the investment of contributions made by an employer under subdivision B 2.

5. No loans or hardship distributions shall be available from contributions made by an employer under subdivision B 2.

C. 1. An employee participating in the hybrid retirement program maintained under this section shall, pursuant to procedures established by the Board, make mandatory contributions on a salary reduction basis in accordance with § 414(h) of the Internal Revenue Code (i) to the defined benefit component of the program in the amount of four percent of creditable compensation in lieu of the amount described in subsection A of § 51.1-144 and (ii) to the defined contribution component of the program in the amount of one percent of creditable compensation.

2. An employee participating in the hybrid retirement program may also make voluntary contributions to the defined contribution component of the program of up to four percent of creditable compensation or the limit on elective deferrals pursuant to § 457(b) of the Internal Revenue Code, whichever is less. The contribution by the employee shall be made to the appropriate deferred compensation plan established by the employee under § 51.1-602.

3. If an employee's voluntary contributions under subdivision C 2 are less than four percent of creditable compensation, the contribution will increase by one-half of one percent, beginning on January 1, 2017, and every three years thereafter, until the employee's voluntary contributions under subdivision C 2 reach four percent of creditable compensation. The increase will be effective beginning with the first pay period that begins in such calendar year unless the employee elects not to increase the voluntary contribution in a manner prescribed by the Board.

4. No loans or hardship distributions shall be available from contributions made by an employee under this subsection.

D. 1. The amount of the service retirement allowance under the defined benefit component of the program shall be governed by § 51.1-155 for all creditable service credited prior to the effective date of the member's participation in the program. For all other creditable service, the allowance shall equal one percent of a member's average final compensation multiplied by the amount of his creditable service while in the program. For judges who are participating in the hybrid retirement program, creditable service shall be determined as provided in § 51.1-303 and service retirement eligibility shall be determined as provided in § 51.1-305.

2. No member shall retire for disability under the defined benefit component of the program.

3. Except as provided in subdivision 1, any employee participating in the hybrid retirement program maintained under this section shall be considered to be a person who becomes a member on or after July 1, 2010.

4. In all other respects, administration of the defined benefit component of the program shall be governed by the provisions of Chapter 1 (§ 51.1-124.1 et seq.).

E. With respect to any employee who elects, pursuant to subsection A, to participate in the otherwise applicable defined benefit retirement plan established by this title and administered by the Virginia Retirement System, the employer shall collect and pay all employee and employer contributions to the Virginia Retirement System for retirement and group life insurance in accordance with the provisions of Chapter 1 (§ 51.1-124.1 et seq.) for such employee.

F. 1. The Board shall develop policies and procedures for administering the hybrid retirement program it maintains, including the establishment of guidelines for employee elections and deferrals under the program.

2. No employee who is an active member in the hybrid retirement program maintained under this section shall also be an active member of any other optional retirement plan maintained under the

provisions of Chapter 1 (§ 51.1-124.1 et seq.).

3. If a member of the hybrid retirement program maintained under this section is at any time in service as an employee in a position covered for retirement purposes under the provisions of Chapter 1 (§ 51.1-124.1 et seq.), 2 (§ 51.1-200 et seq.), 2.1 (§ 51.1-211 et seq.), or 3 (§ 51.1-300 et seq.), his benefit payments under the hybrid retirement program maintained under this section shall be suspended while so employed; provided, however, reemployment shall have no effect on a payment under the defined contribution component of the program if the benefit is being paid in an annuity form under an annuity contract purchased with the member's account balance.

4. Any administrative fee imposed pursuant to subdivision A 13 of § 51.1-124.22 on any employer for administering and overseeing the hybrid retirement program maintained under this section shall be charged for each employee participating in such program and shall be for costs incurred by the Virginia Retirement System that are directly related to the administration and oversight of such program. Notwithstanding the foregoing, the Board is authorized to collect all or a portion of such fee directly from the employee.

5. The creditable compensation for any employee on whose behalf employee or employer contributions are made into the hybrid retirement program shall not exceed the limit on compensation as adjusted by the Commissioner of the Internal Revenue Service pursuant to the transition provisions applicable to eligible participants under state and local governmental plans under § 401(a)(17) of the Internal Revenue Code as amended in 1993 and as contained in § 13212(d)(3) of the Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66).

6. The Board may contract with private corporations or institutions, subject to the standards set forth in § 51.1-124.30, to provide investment products as well as any other goods and services related to the administration of the hybrid retirement program. The Virginia Retirement System is hereby authorized to perform related services, including but not limited to, providing consolidated billing, individual and collective recordkeeping and accountings, and asset purchase, control, and safekeeping.

**§ 51.1-1200. Fund established; administration and management; Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board.**

There is hereby created a fund to be known and designated as the "Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund" (the Fund). The Fund is established to provide service awards to eligible volunteer firefighters and ~~rescue squad workers~~ *volunteer emergency medical services personnel* who elect to become members of the Fund. The Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board (the Board) shall utilize the assistance of the Virginia Retirement System in establishing, investing, and maintaining the Fund. The Board of Trustees of the Virginia Retirement System shall administer and manage the investment of the Fund as custodian and provide staff to further carry out the provisions of this chapter. The Virginia Retirement System shall invest the Funds in accordance with Article 3.1 (§ 51.1-124.30 et seq.) of Chapter 1 ~~of this title~~. The Fund shall annually reimburse the Virginia Retirement System for all costs incurred and associated, directly and indirectly, with the administration of this chapter and management and investment of the Fund.

**§ 51.1-1201. Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board.**

A. The Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board is hereby created and is to be composed of 10 members. The Director of the Virginia Retirement System shall be a member and act as chairman. The Governor shall appoint three members of the Board from a list provided by the Virginia State Firefighter's Association and three members from a list provided by the Virginia Association of Volunteer Rescue Squads. Such appointees shall be confirmed by the General Assembly and shall serve for six-year terms. No Board member appointed by the Governor shall serve more than two full consecutive terms. The Speaker of the House of Delegates shall appoint two members of the House of Delegates and the Senate Committee on Rules shall appoint one member of the Senate. Legislative members shall serve terms coincident with their terms of office.

B. The Director of the Virginia Retirement System with the consent of the Board shall immediately declare the office of any nonlegislative member of the Board vacant when he finds that the member is unable to perform the duties of his office or for any reason does not meet the qualifications of this section. The Governor shall appoint a new member, subject to confirmation by the General Assembly, to serve for a full or unexpired term whenever the office of a nonlegislative member becomes or is declared vacant. In any case where a new appointment is made, the person receiving the appointment shall be a (i) volunteer firefighter representative if his predecessor was a volunteer firefighter representative or (ii) volunteer ~~rescue squad~~ *emergency medical services personnel* representative if his predecessor was a volunteer ~~rescue squad~~ *emergency medical services personnel* representative.

C. The members of the Board shall serve without compensation; however, the nongovernmental members may be reimbursed for their reasonable expenses incurred in attending meetings of the Board or in acting in an official capacity for the Board.

D. The first Board appointed shall meet as soon as practicable for the purpose of organizing and

electing officers. Officers other than the chairman shall be elected for one-year terms. The Board shall adopt a general statement of policy and procedures. The Board shall meet at least quarterly and at such special meetings as the chairman may call. The chairman may call a special meeting at any time and shall call a special meeting when requested by three or more members of the Board. No meeting shall be deemed a regular or special meeting unless a quorum is present.

E. Members of the Board shall be subject to removal from office only as set forth in Article 7 (§ 24.2-230 et seq.) of Chapter 2 of Title 24.2. The Circuit Court of the City of Richmond shall have exclusive jurisdiction over such removal proceedings.

**§ 51.1-1203. Definitions.**

*For purposes of this chapter, unless the context requires a different meaning:*

"Creditable service" means service as an eligible volunteer plus any service credited pursuant to § 51.1-1207.

"Eligible volunteer" means any volunteer ~~rescue squad member~~ *emergency medical services personnel* or any volunteer firefighter who is a member of a bona fide volunteer ~~rescue or~~ *emergency medical services agency* or *volunteer* fire department and who is otherwise eligible pursuant to the criteria established by the Board.

"Member" means an eligible volunteer.

**§ 51.1-1204. Application for membership in Fund; quarterly payments by members; matching payments from the general fund; payments credited to separate accounts of members.**

Eligible volunteers, and all persons who subsequently become eligible volunteers, may apply to the Board for membership in the Fund. Upon becoming a member of the Fund, each eligible volunteer shall pay an amount to be set by the Board per quarter into the Fund. Each quarterly payment made by a member shall be supplemented by such contribution from the general fund of the state treasury for a period not to exceed ~~twenty~~ 20 years as shall be determined by the Board and as may be appropriated by the general appropriation act. The quarterly payments shall be credited to the separate accounts of the members, and the matching contributions shall be credited to the Fund. The member contribution or any additional contribution to the Fund may be made by (i) the individual fire department or ~~rescue squad~~ *emergency medical services agency*, provided it is paid for all eligible members of the Fund within the particular fire department or ~~rescue squad~~ *emergency medical services agency*; (ii) local government, provided it is paid for all eligible members of the Fund who are volunteers for fire departments or ~~rescue squads~~ *emergency medical services agencies* within the jurisdiction of the local government; or (iii) any other source provided it is paid for all eligible members of the Fund. Such accounts shall be kept so that they are available for payment on withdrawal from membership or upon receipt of the service award. No eligible volunteer shall maintain more than one membership in the Fund. In the event an eligible volunteer is in more than one eligible position, he must choose the position upon which his membership will be determined.

**§ 51.1-1206. Other distributions.**

The Board shall direct payment in lump sums from the Fund as follows:

1. To any eligible volunteer firefighter or eligible volunteer ~~rescue squad worker~~ *who is an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1* upon attaining age ~~sixty~~ 60 who has at least five but less than ~~ten~~ 10 years of creditable service as an eligible volunteer, an amount equal to (i) the amount paid into the Fund by him plus (ii) the amount paid into the Fund on his behalf by his fire department or ~~rescue squad~~ *emergency medical services agency* plus (iii) the amount paid into the Fund on his behalf by his local government plus (iv) the amount paid into the Fund on his behalf by any other source plus (v) a portion of the amount paid into the Fund, on his behalf, from the general fund of the state treasury pursuant to § 51.1-1204 plus (vi) any investment gains less any losses on the amounts paid into the Fund described under clauses (i) through (v). The portion of the amount paid from the general fund on behalf of such person that shall be paid to such person shall be based upon such person's years of creditable service as follows:

Years of creditable service	Portion of general fund contributions to be paid
At least five but less than six	Five percent of general fund contributions
At least six but less than seven	Ten percent of general fund contributions
At least seven but less than eight	Twenty-five percent of general fund contributions
At least eight but less than nine	Forty-five percent of general fund contributions
At least nine but	



less than ten Seventy percent of general fund contributions

In any case where the person shall be paid less than 100 percent of the general fund contributions made on his behalf, the investment gain or investment loss applicable to such contributions that shall be paid, or subtracted from any payment otherwise required, to such person shall equal the amount of the investment gain or investment loss, applicable to such contributions at the time of payment, multiplied by the percentage of such general fund contributions to be paid to the person as determined under this subdivision.

2. If the eligible volunteer firefighter or volunteer ~~rescue squad member~~ *who is an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1* ceases to serve as a volunteer and has less than five years of creditable service upon attaining age ~~sixty~~ 60, such person shall not be paid, nor have any right or interest in, the amount paid into the Fund on his behalf (i) by his fire department or ~~rescue squad emergency medical services agency~~, (ii) from the general fund of the state treasury pursuant to § 51.1-1204, or (iii) by any local government. Such person shall, however, be paid all contributions to the Fund that he has made plus the applicable portion of any investment gains or losses thereon.

The amount paid into the Fund on his behalf by his fire department or ~~rescue squad emergency medical services agency~~ shall remain in the Fund and shall be deemed additional contributions made by such fire department or ~~rescue squad emergency medical services agency~~. The amount paid into the Fund on his behalf from the general fund of the state treasury shall remain in the Fund and shall be deemed additional contributions made from the general fund of the state treasury. The amount paid into the Fund on his behalf from a local government shall remain in the Fund and shall be deemed additional contributions from such local government.

3. The provisions of this section shall not be construed to preclude any eligible volunteer firefighter or eligible volunteer ~~rescue squad worker~~ *emergency medical services personnel* from completing the requisite number of years of active service, after attaining the age of ~~sixty~~ 60, necessary to entitle him to the distribution provided for in § 51.1-1205.

4. If an eligible volunteer firefighter or eligible volunteer ~~rescue squad worker~~ *who is an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1* dies before a service award is otherwise paid to him under the provisions of this chapter and while he is an eligible volunteer, there shall be paid to his beneficiary an amount equal to the contributions he has made, the matching contributions made on his behalf, and any investment gains on such contributions less any losses. If an eligible volunteer firefighter or eligible volunteer ~~rescue squad worker~~ *emergency medical services personnel* dies before a service award is otherwise paid to him under the provisions of this chapter and while he is no longer an eligible volunteer, there shall be paid to his beneficiary an amount equal to the amount paid into the Fund by the volunteer and any investment gains on that amount, less any losses. For purposes of this section, a member's beneficiary is the person or persons the member may name on a form prepared by the Board, signed by the member and filed in a manner prescribed by the Board. If there are no such persons, then his beneficiary shall be his spouse; if there is no spouse, then his living children equally; if there are no children, then his heirs-at-law as may be determined by the Board; or if there are no heirs, then his estate, if it is administered.

5. To any firefighter or ~~rescue squad worker~~ *emergency medical services personnel* withdrawing from the Fund, upon proper application, all moneys he contributed to the Fund less any investment losses, and an administrative fee of ~~twenty-five dollars~~ \$25.

**§ 51.1-1207. Determination of prior creditable service; information furnished by applicants for membership.**

Any member with eligible service prior to the effective date of membership may purchase up to ~~ten~~ 10 years of such service upon certification of his fire department or ~~rescue squad emergency medical services agency~~. Such purchase shall be prorated at the rate of one year for every two years of eligible service. The cost of such service shall be an amount as established by the Board. Notwithstanding any other provisions of this chapter, the Board may grant qualified prior service credits to an eligible volunteer firefighter or eligible ~~rescue squad worker~~ *volunteer emergency medical services personnel*, under such terms and conditions that the Board may adopt, if the Board determines that such volunteer has been denied such prior service credit through no fault of his own.

**§ 51.1-1208. Length of service not affected by serving in more than one department or agency; transfer from one department or agency to another.**

~~An~~ *The length of service of an eligible volunteer firefighter's firefighter or eligible volunteer rescue squad worker's length of service who is an individual who meets the definition of "emergency services personnel" in § 32.1-111.1* shall not be affected by the fact that he may have served with more than one department or ~~squad agency~~, and upon transfer from one department or ~~squad agency~~ to another, notice of the fact shall be given to the Board.

**§ 53.1-47. Purchases by agencies, localities, and certain nonprofit organizations.**

5912 Articles and services produced or manufactured by persons confined in state correctional facilities:

5913 1. Shall be purchased by all departments, institutions, and agencies of the Commonwealth ~~which that~~  
 5914 are supported in whole or in part with funds from the state treasury for their use or the use of persons  
 5915 whom they assist financially. Except as provided in § 53.1-48, no such articles or services shall be  
 5916 purchased by any department, institution, or agency of the Commonwealth from any other source; and

5917 2. May be purchased by any county, district of any county, city, or town and by any nonprofit  
 5918 organization, including volunteer ~~lifesaving or first aid crews, rescue squads~~ *emergency medical services*  
 5919 *agencies*, fire departments, sheltered workshops, and community service organizations.

5920 **§ 53.1-133.8. Purchases by agencies, localities, and certain nonprofit organizations.**

5921 Articles and services produced or manufactured by participants in jail industry programs:

5922 1. May be purchased by all departments, institutions, and agencies of the Commonwealth ~~which that~~  
 5923 are supported in whole or in part with funds from the state treasury for their use or the use of persons  
 5924 whom they assist financially, provided such purchase is not in conflict with the provisions of Article 3  
 5925 (§ 53.1-41 et seq.) of Chapter 2 of this title.

5926 2. May be purchased by any county, district of any county, city, or town and by any nonprofit,  
 5927 volunteer ~~lifesaving or first aid crews, rescue squads~~ *emergency medical services agencies*, fire  
 5928 departments, sheltered workshops, and community service organizations.

5929 **§ 54.1-829. License required; bond; physical examination; emergency medical services vehicles;**  
 5930 **physician; and health insurance.**

5931 A. Unless exempted by § 54.1-830, no person shall promote or conduct a boxing, martial arts, or  
 5932 wrestling event in the Commonwealth without first having obtained a license for such event from the  
 5933 Department. No such license shall be granted except to a licensed promoter.

5934 B. Unless exempted by § 54.1-830, no person shall act as a promoter, matchmaker, trainer, boxer or  
 5935 wrestler in the Commonwealth without first having obtained a license for such activity from the  
 5936 Department and such license remains in full force and effect.

5937 C. No license to act as a promoter shall be granted unless the applicant executes and files with the  
 5938 Department a bond, in such penalty as the Department shall determine through regulation, conditioned  
 5939 on the payment of the fees and penalties imposed by this chapter and for the fulfillment of contracts  
 5940 made with boxers and wrestlers in accordance with Department regulations.

5941 D. Each boxer shall, and each wrestler may, be examined prior to entering the ring by a physician  
 5942 who has been licensed to practice medicine in the Commonwealth for at least five years. The physician  
 5943 shall be appointed by the Department and shall certify in writing that the contestant's physical condition  
 5944 is such that he is physically able to engage in the contest.

5945 E. No boxing event shall be conducted without the continuous presence at ringside of a physician  
 5946 who has been licensed to practice medicine in the Commonwealth for at least five years, and unless an  
 5947 ~~ambulance~~ *emergency medical services vehicle* is at the site of the boxing event.

5948 F. No boxer shall participate in any event unless covered by a health insurance policy with minimum  
 5949 coverage in an amount determined by Department regulation.

5950 **§ 54.1-3408. Professional use by practitioners.**

5951 A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed  
 5952 nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or  
 5953 a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only  
 5954 prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic  
 5955 purposes within the course of his professional practice.

5956 B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral  
 5957 prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may  
 5958 cause drugs or devices to be administered by:

5959 1. A nurse, physician assistant, or intern under his direction and supervision;

5960 2. Persons trained to administer drugs and devices to patients in state-owned or state-operated  
 5961 hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by  
 5962 the Department of Behavioral Health and Developmental Services who administer drugs under the  
 5963 control and supervision of the prescriber or a pharmacist;

5964 3. Emergency medical services personnel certified and authorized to administer drugs and devices  
 5965 pursuant to regulations of the Board of Health who act within the scope of such certification and  
 5966 pursuant to an oral or written order or standing protocol; or

5967 4. A licensed respiratory care practitioner as defined in § 54.1-2954 who administers by inhalation  
 5968 controlled substances used in inhalation or respiratory therapy.

5969 C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by  
 5970 state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may  
 5971 authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used  
 5972 in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for use in emergency situations; and epinephrine for use in emergency cases of anaphylactic shock.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the immediate and direct supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of a school board who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the immediate and direct supervision of a registered nurse. A prescriber acting on behalf of and in

6034 accordance with established protocols of the Department of Health may authorize the administration of  
 6035 vaccines to any person by a pharmacist, nurse, ~~certified emergency medical technician-intermediate~~, or  
 6036 ~~designated emergency medical technician-paramedic services provider who holds an advanced life~~  
 6037 ~~support certificate issued by the Commissioner of Health~~ under the direction of an operational medical  
 6038 director when the prescriber is not physically present. ~~Emergency~~ The emergency medical services  
 6039 ~~personnel provider~~ shall provide documentation of the vaccines to be recorded in the Virginia  
 6040 Immunization Information System.

6041 J. A dentist may cause Schedule VI topical drugs to be administered under his direction and  
 6042 supervision by either a dental hygienist or by an authorized agent of the dentist.

6043 Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist  
 6044 in the course of his professional practice, a dentist may authorize a dental hygienist under his general  
 6045 supervision, as defined in § 54.1-2722, to possess and administer topical oral fluorides, topical oral  
 6046 anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions,  
 6047 as well as any other Schedule VI topical drug approved by the Board of Dentistry.

6048 In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI  
 6049 nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI  
 6050 local anesthesia.

6051 K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the  
 6052 course of his professional practice, such prescriber may authorize registered professional nurses certified  
 6053 as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically  
 6054 present to possess and administer preventive medications for victims of sexual assault as recommended  
 6055 by the Centers for Disease Control and Prevention.

6056 L. This section shall not prevent the administration of drugs by a person who has satisfactorily  
 6057 completed a training program for this purpose approved by the Board of Nursing and who administers  
 6058 such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of  
 6059 administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to  
 6060 security and record keeping, when the drugs administered would be normally self-administered by (i) an  
 6061 individual receiving services in a program licensed by the Department of Behavioral Health and  
 6062 Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision  
 6063 Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the  
 6064 placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program  
 6065 participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of  
 6066 any facility authorized or operated by a state or local government whose primary purpose is not to  
 6067 provide health care services; (vi) a resident of a private children's residential facility, as defined in  
 6068 § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department  
 6069 of Behavioral Health and Developmental Services; or (vii) a student in a school for students with  
 6070 disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

6071 In addition, this section shall not prevent a person who has successfully completed a training  
 6072 program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of  
 6073 Nursing and been evaluated by a registered nurse as having demonstrated competency in administration  
 6074 of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from  
 6075 a program licensed by the Department of Behavioral Health and Developmental Services to such person  
 6076 via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via  
 6077 percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

6078 M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.)  
 6079 of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any  
 6080 assisted living facility licensed by the Department of Social Services. A registered medication aide shall  
 6081 administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to  
 6082 dosage, frequency, and manner of administration; in accordance with regulations promulgated by the  
 6083 Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living  
 6084 facility's Medication Management Plan; and in accordance with such other regulations governing their  
 6085 practice promulgated by the Board of Nursing.

6086 N. In addition, this section shall not prevent the administration of drugs by a person who administers  
 6087 such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of  
 6088 administration and with written authorization of a parent, and in accordance with school board  
 6089 regulations relating to training, security and record keeping, when the drugs administered would be  
 6090 normally self-administered by a student of a Virginia public school. Training for such persons shall be  
 6091 accomplished through a program approved by the local school boards, in consultation with the local  
 6092 departments of health.

6093 O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in  
 6094 a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or a

local government pursuant to § 15.2-914, or (ii) a student at a private school that complies with the accreditation requirements set forth in § 22.1-19 and is accredited by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse or a dental hygienist may possess and administer topical fluoride varnish to the teeth of children aged six months to three years pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry that conforms to standards adopted by the Department of Health.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, ~~certified emergency medical technician-intermediate~~, or emergency medical technician-paramedic services provider who holds an advanced life support certificate issued by the Commissioner of Health when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303 and only for the purpose of participation in pilot programs conducted by the Department of Behavioral Health and Developmental Services, a person may obtain a prescription for a family member or a friend and may possess and administer naloxone for the purpose of counteracting the effects of opiate overdose.

**§ 56-484.14. Powers and duties of E-911 Services Board.**

6156 The E-911 Services Board shall have the power and duty to:

6157 1. Make and enter into all contracts and agreements necessary or incidental to the performance of its  
6158 duties and the execution of its powers, including purchase agreements payable from (i) the Wireless  
6159 E-911 Fund and (ii) other moneys appropriated for the provision of enhanced 9-1-1 services.

6160 2. Pursue all legal remedies to enforce any provision of this article, or any contract entered into  
6161 pursuant to this article.

6162 3. Develop a comprehensive, statewide enhanced 9-1-1 plan for wireless E-911, VoIP E-911, and any  
6163 other future communications technologies accessing E-911 for emergency purposes. In constructing and  
6164 periodically updating this plan as appropriate, the Board shall monitor trends and advances in enhanced  
6165 wireless, VoIP, and other emergency telecommunications technologies, plan and forecast future needs for  
6166 these enhanced technologies, and formulate strategies for the efficient and effective delivery of enhanced  
6167 9-1-1 services in the future with the exclusion of traditional circuit-switched wireline 9-1-1 service.

6168 4. Grant such extensions of time for compliance with the provisions of § 56-484.16 as the Board  
6169 deems appropriate.

6170 5. Take all steps necessary to inform the public of the use of the digits "9-1-1" as the designated  
6171 emergency telephone number and the use of the digits "#-7-7" as a designated non-emergency telephone  
6172 number.

6173 6. Report annually to the Governor, the Senate Committee on Finance and the House Committee on  
6174 Appropriations, and the Virginia State Crime Commission on (i) the state of enhanced 9-1-1 services in  
6175 the Commonwealth, (ii) the impact of, or need for, legislation affecting enhanced 9-1-1 services in the  
6176 Commonwealth, and (iii) the need for changes in the E-911 funding mechanism provided to the Board,  
6177 as appropriate.

6178 7. Provide advisory technical assistance to PSAPs and state and local law enforcement, and fire and  
6179 emergency medical service agencies, upon request.

6180 8. Collect, distribute, and withhold moneys from the Wireless E-911 Fund as provided in this article.

6181 9. Develop a comprehensive single, statewide electronic addressing database to support geographic  
6182 data and statewide base map data programs pursuant to § 2.2-2027.

6183 10. Receive such funds as may be appropriated for purposes consistent with this article and such  
6184 gifts, donations, grants, bequests, or other funds as may be received from, applied for or offered by  
6185 either public or private sources.

6186 11. Manage other moneys appropriated for the provision of enhanced emergency telecommunications  
6187 services.

6188 12. Perform all acts necessary, convenient, or desirable to carrying out the purposes of this article.

6189 13. Drawing from the work of E-911 professional organizations, in its sole discretion, publish best  
6190 practices for PSAPs. These best practices shall be voluntary and recommended by a subcommittee  
6191 composed of PSAP representatives.

6192 14. Monitor developments in enhanced 9-1-1 service and multiline telephone systems and the impact  
6193 of such technologies upon the implementation of Article 8 (§ 56-484.19 et seq.). The Board shall include  
6194 its assessment of such impact in the annual report filed pursuant to subdivision 6.

#### 6195 **§ 57-60. Exemptions.**

6196 A. The following persons shall be exempt from the registration requirements of § 57-49, but shall  
6197 otherwise be subject to the provisions of this chapter:

6198 1. Educational institutions that are accredited by the Board of Education, by a regional accrediting  
6199 association or by an organization affiliated with the National Commission on Accrediting, the  
6200 Association Montessori Internationale, the American Montessori Society, the Virginia Independent  
6201 Schools Association, or the Virginia Association of Independent Schools, any foundation having an  
6202 established identity with any of the aforementioned educational institutions, and any other educational  
6203 institution confining its solicitation of contributions to its student body, alumni, faculty and trustees, and  
6204 their families.

6205 2. Persons requesting contributions for the relief of any individual specified by name at the time of  
6206 the solicitation when all of the contributions collected without any deductions whatsoever are turned  
6207 over to the named beneficiary for his use.

6208 3. Charitable organizations that do not intend to solicit and receive, during a calendar year, and have  
6209 not actually raised or received, during any of the three next preceding calendar years, contributions from  
6210 the public in excess of \$5,000, if all of their functions, including fund-raising activities, are carried on  
6211 by persons who are unpaid for their services and if no part of their assets or income inures to the  
6212 benefit of or is paid to any officer or member. Nevertheless, if the contributions raised from the public,  
6213 whether all of such are or are not received by any charitable organization during any calendar year, shall  
6214 be in excess of \$5,000, it shall, within 30 days after the date it has received total contributions in excess  
6215 of \$5,000, register with and report to the Commissioner as required by this chapter.

6216 4. Organizations that solicit only within the membership of the organization by the members thereof.

5. Organizations that have no office within the Commonwealth, that solicit in the Commonwealth from without the Commonwealth solely by means of telephone or telegraph, direct mail or advertising in national media, and that have a chapter, branch, or affiliate within the Commonwealth that has registered with the Commissioner.

6. Organizations that have been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and that are organized wholly as Area Health Education Centers in accordance with § 32.1-122.7.

7. Health care institutions defined herein as any facilities that have been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code, and that are (i) licensed by the Department of Health or the Department of Behavioral Health and Developmental Services; (ii) designated by the Health Care Financing Administration (HCFA) as federally qualified health centers; (iii) certified by the HCFA as rural health clinics; or (iv) wholly organized for the delivery of health care services without charge; and any supporting organization that exists solely to support any such health care institutions. For the purposes of clause (iv), "delivery of health care services without charge" includes the delivery of dental, medical or other health services where a reasonable minimum fee is charged to cover administrative costs.

8. Civic organizations as defined herein.

9. Agencies providing or offering to provide debt management plans for consumers that are licensed pursuant to Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2.

10. Agencies designated by the Virginia Department for Aging and Rehabilitative Services pursuant to subdivision A 6 of § 51.5-135 as area agencies on aging.

11. Labor unions, labor associations and labor organizations that have been granted tax-exempt status under § 501(c)(5) of the Internal Revenue Code.

12. Trade associations that have been granted tax-exempt status under § 501(c)(6) of the Internal Revenue Code.

13. Organizations that have been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and that are organized wholly as regional emergency medical services councils in accordance with § ~~32.1-111.14~~ 32.1-111.4:2.

14. Nonprofit organizations that have been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and that solicit contributions only through (i) grant proposals submitted to for-profit corporations, (ii) grant proposals submitted to other nonprofit organizations that have been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code, or (iii) grant proposals submitted to organizations determined to be private foundations under § 509(a) of the Internal Revenue Code.

B. A charitable organization shall be subject to the provisions of §§ 57-57 and 57-59, but shall otherwise be exempt from the provisions of this chapter for any year in which it confines its solicitations in the Commonwealth to five or fewer contiguous cities and counties, and in which it has registered under the charitable solicitations ordinance, if any, of each such city and county. No organization shall be exempt under this subsection if, during its next preceding fiscal year, more than 10 percent of its gross receipts were paid to any person or combination of persons, located outside the boundaries of such cities and counties, other than for the purchase of real property, or tangible personal property or personal services to be used within such localities. An organization that is otherwise qualified for exemption under this subsection that solicits by means of a local publication, or radio or television station, shall not be disqualified solely because the circulation or range of such medium extends beyond the boundaries of such cities or counties.

C. No charitable or civic organization shall be exempt under this section unless it submits to the Commissioner, who in his discretion may extend such filing deadline prospectively or retrospectively for good cause shown, on forms to be prescribed by him, the name, address and purpose of the organization and a statement setting forth the reason for the claim for exemption. Parent organizations may file consolidated applications for exemptions for any chapters, branches, or affiliates that they believe to be exempt from the registration provisions of this chapter. If the organization is exempted, the Commissioner shall issue a letter of exemption, which may be exhibited to the public. A registration fee of \$10 shall be required of every organization requesting an exemption after June 30, 1984. The letter of exemption shall remain in effect as long as the organization continues to solicit in accordance with its claim for exemption.

D. Nothing in this chapter shall be construed as being applicable to the American Red Cross or any of its local chapters.

#### **§ 58.1-1404. Exemptions.**

A. Any watercraft sold to or used by the United States or any of the governmental agencies thereof or the Commonwealth of Virginia or any political subdivision thereof or sold to an insurance company for the sole purpose of disposition when such insurance company has paid the registered owner of such watercraft on a total loss claim shall be exempt from the tax imposed by this chapter.

B. Any person who was the owner of a watercraft that was not required to be titled prior to January

1, 1998, shall apply for a title for such watercraft without incurring liability for the tax imposed under this chapter.

C. Any watercraft constructed by a commercial waterman for his own use shall be exempt from the tax imposed under this chapter.

D. Any registered dealer in watercraft shall be exempt from the tax imposed by subdivisions 1 and 2 of § 58.1-1402. Such dealer shall also be exempt from titling requirements as provided in § 29.1-733.6.

E. Any watercraft purchased by and for the use of a ~~volunteer sea rescue squad~~, volunteer fire department, or volunteer ~~rescue squad~~ *emergency medical services agency* not conducted for profit shall be exempt from the tax imposed under this chapter.

F. Any watercraft transferred to trustees of a revocable inter vivos trust, when the owners of the watercraft and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust instrument, or transferred by trustees of such a trust to beneficiaries of the trust following the death of the grantor, when no consideration has passed between the grantor and the beneficiaries in either case, shall be exempt from the tax imposed under this chapter.

#### § 58.1-1505. Exemptions.

A. Any aircraft sold to or used by (i) the United States or any of the governmental agencies thereof, (ii) the Commonwealth of Virginia or any political subdivision thereof, (iii) any air carrier operating in intrastate, interstate or foreign commerce providing scheduled air service as defined in § 58.1-1501, (iv) any nonprofit charitable organization ~~which that~~ is exempt from taxation under § 501(c) (3) of the Internal Revenue Code and ~~which that~~ is organized and operated exclusively for the purpose of providing charitable, long-distance, advanced life-support, air ~~ambulance~~ *transportation services using an emergency medical services vehicle* for low-income medical patients in the Commonwealth, or (v) an organization ~~which that~~ is exempt from taxation under § 501(c) (3) of the Internal Revenue Code and ~~which that~~ is organized for the primary purpose of distributing food, clothing, medicines and other necessities of life to, and providing shelter for, needy persons in the United States and throughout the world shall be exempt from the tax imposed by this chapter.

B. Aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and otherwise used for educational purposes (including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations (including such flights necessary for testing, maintaining, or preparing such aircraft for safe operation), but not including any aircraft used for commercial purposes, including transportation and other services for a fee, shall be exempt from the tax imposed by this chapter.

C. Beginning July 1, 2011, and ending December 31, 2014, any aircraft purchased or used by a qualified company shall be exempt from the tax imposed by this chapter. For purposes of this subsection, a qualified company shall be an aviation-related company, limited liability company, partnership, or a combination of such entities that have a common ownership interest through a parent, as a direct or indirect subsidiary of a parent, or as affiliated brother-sister entities that (i) is headquartered in the Commonwealth, (ii) between January 1, 2010, and December 31, 2014, makes a new capital investment of at least \$4 million in aviation-related real estate and real estate improvements in the Commonwealth on publicly-owned, public-use airports, (iii) between January 1, 2010, and December 31, 2014, creates in the Commonwealth at least 50 new jobs that pay at least one and a half times the prevailing average wage in the locality in which the jobs are located, (iv) owns or uses aircraft that are used primarily for intrastate, interstate, or foreign commerce, and (v) has entered into a memorandum of understanding with the Virginia Economic Development Partnership, after consultation with the Virginia Department of Aviation, on or before December 31, 2014, that at a minimum provides the details for determining the amount of capital investment made and the number of new jobs created, the timeline for achieving the capital investment and new job goals, the repayment obligations should those goals not be achieved, and any conditions under which repayment by the qualifying person claiming the exemption may be required.

D. Any aircraft sold in the Commonwealth as evidenced by Federal Aviation Administration Bill of Sale AC Form 8050-2 and registered outside of the Commonwealth as evidenced by Federal Aviation Administration Aircraft Registration AC Form 8050-1 shall be exempt from the sales tax imposed by this chapter, so long as the aircraft is removed from the Commonwealth within 60 days of the date of purchase on the Bill of Sale. If the aircraft is removed from the Commonwealth within 60 days of the date of purchase, the time between the date of purchase and the removal of the aircraft shall not be counted for purposes of determining whether the aircraft is subject to the use tax imposed by this chapter on aircraft that are based in the Commonwealth for over 60 days in any ~~12 month~~ *12-month* period.

#### § 58.1-2226. Exemptions from tax.

No tax shall be levied or collected pursuant to this chapter on:



1. Motor fuel sold and delivered to a governmental entity for the exclusive use by the governmental entity. This exemption shall not apply with respect to fuel sold or delivered to any person operating under contract with the governmental entity;

2. Motor fuel sold and delivered to a nonprofit charitable organization ~~which~~ *that* is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and which is organized and operated exclusively for the purpose of providing charitable, long-distance, advanced life-support, air ~~ambulance~~ *transportation services using emergency medical services vehicles* for low-income medical patients in the Commonwealth, for the exclusive use of such organization in the operation of an aircraft;

3. Bonded aviation jet fuel;

4. Dyed diesel fuel, except as provided in subdivision A 1 of § 58.1-2225;

5. Motor fuel removed, by transport truck or another means of transfer outside the terminal transfer system, from a terminal for export, if the supplier of the motor fuel collects tax on the fuel at the rate of the motor fuel's destination state; or

6. Heating oil, as defined in § 58.1-2201.

**§ 58.1-2235. Information required on return filed by supplier.**

A. A return of a supplier shall list all of the following information and any other information required by the Commissioner:

1. The number of gallons of tax-paid motor fuel received by the supplier during the month, sorted by type of fuel, seller, point of origin, destination state, and carrier;

2. The number of gallons of motor fuel removed at a terminal rack during the month from the account of the supplier, sorted by type of fuel, person receiving the fuel, terminal code, and carrier;

3. The number of gallons of motor fuel removed during the month for export, sorted by type of fuel, person receiving the fuel, terminal code, destination state, and carrier;

4. The number of gallons of motor fuel removed during the month from a terminal located in another state for conveyance to Virginia, as indicated on the shipping document for the fuel, sorted by type of fuel, person receiving the fuel, terminal code, and carrier;

5. The number of gallons of motor fuel the supplier sold during the month to the following, sorted by type of fuel, exempt entity, person receiving the fuel, terminal code, and carrier:

a. A governmental entity whose use of fuel is exempt from the tax;

b. A licensed aviation consumer purchasing aviation jet fuel;

c. A licensed distributor or importer who resold the motor fuel to a governmental unit whose use of fuel is exempt from the tax, as indicated by the distributor or importer;

d. A licensed distributor or importer who resold aviation jet fuel to a licensed aviation consumer as indicated by the distributor or importer;

e. A licensed exporter who resold the motor fuel to a person whose use of the fuel is exempt from tax in the destination state, as indicated by the exporter;

f. A nonprofit charitable organization which is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and which is organized and operated exclusively for the purpose of providing charitable, long-distance, advanced life-support, air ~~ambulance~~ *transportation services using emergency medical services vehicles* for low-income medical patients in the Commonwealth, for the exclusive use of such organization in the operation of an aircraft; and

g. A licensed distributor or importer who resold the motor fuel to a nonprofit charitable organization which is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and which is organized and operated exclusively for the purpose of providing charitable, long-distance, advanced life-support, air ~~ambulance~~ *transportation services using emergency medical services vehicles* for low-income medical patients in the Commonwealth, for the exclusive use of such organization in the operation of an aircraft; and

6. The amount of discounts allowed under subsection C of § 58.1-2233 on motor fuel sold during the month to licensed distributors or licensed importers.

B. Suppliers shall not require information identifying who purchased exempt fuel from persons licensed under this chapter.

**§ 58.1-2250. Exemptions from tax.**

No tax shall be levied or collected pursuant to this article on:

1. Alternative fuel sold and delivered to a governmental entity for the exclusive use by the governmental entity. This exemption shall not apply with respect to alternative fuel sold or delivered to any person operating under contract with the governmental entity;

2. Alternative fuel sold and delivered to a nonprofit charitable organization ~~which~~ *that* is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and ~~which~~ *that* is organized and operated exclusively for the purpose of providing charitable, long-distance, advanced life-support, air ~~ambulance~~ *transportation services using emergency medical services vehicles* for low-income medical patients in the Commonwealth, for the exclusive use of such organization in the operation of an aircraft; or

6400 3. Alternative fuel produced by the owner or lessee of an agricultural operation, as defined in  
 6401 § 3.2-300, and used (i) exclusively for farm use by the owner or lessee or (ii) in any motor vehicles  
 6402 operated by the producer of such fuel.

6403 **§ 58.1-2259. Fuel uses eligible for refund of taxes paid for motor fuels.**

6404 A. A refund of the tax paid for the purchase of fuel in quantities of five gallons or more at any time  
 6405 shall be granted in accordance with the provisions of § 58.1-2261 to any person who establishes to the  
 6406 satisfaction of the Commissioner that such person has paid the tax levied pursuant to this chapter upon  
 6407 any fuel:

6408 1. Sold and delivered to a governmental entity for its exclusive use;

6409 2. Used by a governmental entity, provided persons operating under contract with a governmental  
 6410 entity shall not be eligible for such refund;

6411 3. Sold and delivered to an organization described in subdivision 2 of § 58.1-2226 or subdivision 2  
 6412 of § 58.1-2250 for its exclusive use in the operation of an aircraft;

6413 4. Used by an organization described in subdivision 2 of § 58.1-2226 or subdivision 2 of § 58.1-2250  
 6414 for its exclusive use in the operation of an aircraft, provided persons operating under contract with such  
 6415 an organization shall not be eligible for such refund;

6416 5. Purchased by a licensed exporter and subsequently transported and delivered by such licensed  
 6417 exporter to another state for sales or use outside the boundaries of the Commonwealth if the tax  
 6418 applicable in the destination state has been paid, provided a refund shall not be granted pursuant to this  
 6419 section on any fuel which is transported and delivered outside of the Commonwealth in the fuel supply  
 6420 tank of a highway vehicle or an aircraft;

6421 6. Used by any person performing transportation under contract or lease with any transportation  
 6422 district for use in a highway vehicle controlled by a transportation district created under the  
 6423 Transportation District Act of 1964 (§ 33.2-1900 et seq.) and used in providing transit service by the  
 6424 transportation district by contract or lease, provided the refund shall be paid to the person performing  
 6425 such transportation;

6426 7. Used by any private, nonprofit agency on aging, designated by the Department for Aging and  
 6427 Rehabilitative Services, providing transportation services to citizens in highway vehicles owned, operated  
 6428 or under contract with such agency;

6429 8. Used in operating or propelling highway vehicles owned by a nonprofit organization that provides  
 6430 specialized transportation to various locations for elderly or disabled individuals to secure essential  
 6431 services and to participate in community life according to the individual's interest and abilities;

6432 9. Used in operating or propelling buses owned and operated by a county or the school board thereof  
 6433 while being used to transport children to and from public school or from school to and from educational  
 6434 or athletic activities;

6435 10. Used by buses owned or solely used by a private, nonprofit, nonreligious school while being  
 6436 used to transport children to and from such school or from such school to and from educational or  
 6437 athletic activities;

6438 11. Used by any county or city school board or any private, nonprofit, nonreligious school  
 6439 contracting with a private carrier to transport children to and from public schools or any private,  
 6440 nonprofit, nonreligious school, provided the tax shall be refunded to the private carrier performing such  
 6441 transportation;

6442 12. Used in operating or propelling the equipment of volunteer firefighting companies and of  
 6443 volunteer ~~rescue~~ *emergency medical services agencies* within the Commonwealth used actually  
 6444 and necessarily for firefighting and ~~rescue~~ *emergency medical services* purposes;

6445 13. Used in operating or propelling motor equipment belonging to counties, cities and towns, if  
 6446 actually used in public activities;

6447 14. Used for a purpose other than in operating or propelling highway vehicles, watercraft or aircraft;

6448 15. Used off-highway in self-propelled equipment manufactured for a specific off-road purpose,  
 6449 which is used on a job site and the movement of which on any highway is incidental to the purpose for  
 6450 which it was designed and manufactured;

6451 16. Proven to be lost by accident, including the accidental mixing of (i) dyed diesel fuel with  
 6452 tax-paid motor fuel, (ii) gasoline with diesel fuel, or (iii) undyed diesel fuel with dyed kerosene, but  
 6453 excluding fuel lost through personal negligence or theft;

6454 17. Used in operating or propelling vehicles used solely for racing other vehicles on a racetrack;

6455 18. Used in operating or propelling unlicensed highway vehicles and other unlicensed equipment  
 6456 used exclusively for agricultural or horticultural purposes on lands owned or leased by the owner or  
 6457 lessee of such vehicles and not operated on or over any highway for any purpose other than to move it  
 6458 in the manner and for the purpose mentioned. The amount of refund shall be equal to the amount of the  
 6459 taxes paid less one-half cent per gallon on such fuel so used which shall be paid by the Commissioner  
 6460 into the state treasury to the credit of the Virginia Agricultural Foundation Fund;

19. Used in operating or propelling commercial watercraft. The amount of refund shall be equal to the amount of the taxes paid less one and one-half cents per gallon on such fuel so used which shall be paid by the Commissioner into the state treasury to be credited as provided in subsection D of § 58.1-2289. If any applicant so requests, the Commissioner shall pay into the state treasury, to the credit of the Game Protection Fund, the entire tax paid by such applicant for the purposes specified in subsection D of § 58.1-2289. If any applicant who is an operator of commercial watercraft so requests, the Commissioner shall pay into the state treasury, to the credit of the Marine Fishing Improvement Fund, the entire tax paid by such applicant for the purposes specified in § 28.2-208;

20. Used in operating stationary engines, or pumping or mixing equipment on a highway vehicle if the fuel used to operate such equipment is stored in an auxiliary tank separate from the fuel tank used to propel the highway vehicle, and the highway vehicle is mechanically incapable of self-propulsion while fuel is being used from the auxiliary tank; or

21. Used in operating or propelling recreational and pleasure watercraft.

B. 1. Any person purchasing fuel for consumption in a solid waste compacting or ready-mix concrete highway vehicle, or a bulk feed delivery truck, where the vehicle's equipment is mechanically or hydraulically driven by an internal combustion engine that propels the vehicle, is entitled to a refund in an amount equal to 35 percent of the tax paid on such fuel. For purposes of this section, a "bulk feed delivery truck" means bulk animal feed delivery trucks utilizing power take-off (PTO) driven auger or air feed discharge systems for off-road deliveries of animal feed.

2. Any person purchasing fuel for consumption in a vehicle designed or permanently adapted solely and exclusively for bulk spreading or spraying of agricultural liming materials, chemicals, or fertilizer, where the vehicle's equipment is mechanically or hydraulically driven by an internal combustion engine that propels the vehicle, is entitled to a refund in an amount equal to 55 percent of the tax paid on such fuel.

C. Any person purchasing any fuel on which tax imposed pursuant to this chapter has been paid may apply for a refund of the tax if such fuel was consumed by a highway vehicle used in operating an urban or suburban bus line or a taxicab service. This refund also applies to a common carrier of passengers which has been issued a certificate pursuant to § 46.2-2075 or 46.2-2099.4 providing regular route service over the highways of the Commonwealth. No refund shall be granted unless the majority of the passengers using such bus line, taxicab service or common carrier of passengers do so for travel of a distance of not more than 40 miles, one way, in a single day between their place of abode and their place of employment, shopping areas or schools.

If the applicant for a refund is a taxicab service, he shall hold a valid permit from the Department to engage in the business of a taxicab service. No applicant shall be denied a refund by reason of the fee arrangement between the holder of the permit and the driver or drivers, if all other conditions of this section have been met.

Under no circumstances shall a refund be granted more than once for the same fuel. The amount of refund under this subsection shall be equal to the amount of the taxes paid, except refunds granted on the tax paid on fuel used by a taxicab service shall be in an amount equal to the tax paid less \$0.01 per gallon on the fuel used.

Any refunds made under this subsection shall be deducted from the urban highway funds allocated to the highway construction district, pursuant to Article 5 (§ 33.2-351 et seq.) of Chapter 3 of Title 33.2, in which the recipient has its principal place of business.

Except as otherwise provided in this chapter, all provisions of law applicable to the refund of fuel taxes by the Commissioner generally shall apply to the refunds authorized by this subsection. Any county having withdrawn its roads from the secondary system of state highways under provisions of § 11 of Chapter 415 of the Acts of 1932 shall receive its proportionate share of such special funds as is now provided by law with respect to other fuel tax receipts.

D. Any person purchasing fuel for consumption in a vehicle designed or permanently adapted solely and exclusively for bulk spreading or spraying of agricultural liming materials, chemicals, or fertilizer, where the vehicle's equipment is mechanically or hydraulically driven by an internal combustion engine that propels the vehicle, is entitled to a refund in an amount equal to 55 percent of the tax paid on such fuel.

E. Any person purchasing diesel fuel used in operating or propelling a passenger car, a pickup or panel truck, or a truck having a gross vehicle weight rating of 10,000 pounds or less is entitled to a refund of a portion of the taxes paid in an amount equal to the difference between the rate of tax on diesel fuel and the rate of tax on gasoline and gasohol pursuant to § 58.1-2217. For purposes of this subsection, "passenger car," "pickup or panel truck," and "truck" shall have the meaning given in § 46.2-100. Notwithstanding any other provision of law, diesel fuel used in a vehicle upon which the fuels tax has been refunded pursuant to this subsection shall be exempt from the tax imposed under Chapter 6 (§ 58.1-600 et seq.).

6522 F. Refunds resulting from any fuel shipments diverted from Virginia shall be based on the amount of  
6523 tax paid for the fuel less discounts allowed by § 58.1-2233.

6524 G. Any person who is required to be licensed under this chapter and is applying for a refund shall  
6525 not be eligible for such refund if the applicant was not licensed at the time the refundable transaction  
6526 was conducted.

6527 **§ 58.1-2403. Exemptions.**

6528 No tax shall be imposed as provided in § 58.1-2402 if the vehicle is:

6529 1. Sold to or used by the United States government or any governmental agency thereof;

6530 2. Sold to or used by the Commonwealth of Virginia or any political subdivision thereof;

6531 3. Registered in the name of a volunteer fire department or ~~rescue squad~~ *volunteer emergency*  
6532 *medical services agency* not operated for profit;

6533 4. Registered to any member of the Mattaponi, Pamunkey, or Chickahominy Indian tribes or any  
6534 other recognized Indian tribe of the Commonwealth living on the tribal reservation;

6535 5. Transferred incidental to repossession under a recorded lien and ownership is transferred to the  
6536 lienholder;

6537 6. A manufactured home permanently attached to real estate and included in the sale of real estate;

6538 7. A gift to the spouse, son, or daughter of the transferor. With the exception of a gift to a spouse,  
6539 this exemption shall not apply to any unpaid obligation assumed by the transferee incidental to the  
6540 transfer;

6541 8. Transferred from an individual or partnership to a corporation or limited liability company or from  
6542 a corporation or limited liability company to an individual or partnership if the transfer is incidental to  
6543 the formation, organization or dissolution of a corporation or limited liability company in which the  
6544 individual or partnership holds the majority interest;

6545 9. Transferred from a wholly owned subsidiary to the parent corporation or from the parent  
6546 corporation to a wholly owned subsidiary;

6547 10. Being registered for the first time in the Commonwealth and the applicant holds a valid,  
6548 assignable title or registration issued to him by another state or a branch of the United States Armed  
6549 Forces and (i) has owned the vehicle for longer than 12 months or (ii) has owned the vehicle for less  
6550 than 12 months and provides evidence of a sales tax paid to another state. However, when a vehicle has  
6551 been purchased by the applicant within the last 12 months and the applicant is unable to provide  
6552 evidence of a sales tax paid to another state, the applicant shall pay the Virginia sales tax based on the  
6553 fair market value of the vehicle at the time of registration in Virginia;

6554 11. a. Titled in a Virginia or non-Virginia motor vehicle dealer's name for resale; or

6555 b. Titled in the name of an automotive manufacturer having its headquarters in Virginia, except for  
6556 any commercially leased vehicle that is not described under subdivision 3 of § 46.2-602.2. For purposes  
6557 of this subdivision, "automotive manufacturer" and "headquarters" means the same as such terms are  
6558 defined in § 46.2-602.2;

6559 12. A motor vehicle having seats for more than seven passengers and sold to an urban or suburban  
6560 bus line the majority of whose passengers use the buses for traveling a distance of less than 40 miles,  
6561 one way, on the same day;

6562 13. Purchased in the Commonwealth by a nonresident and a Virginia title is issued for the sole  
6563 purpose of recording a lien against the vehicle if the vehicle will be registered in a state other than  
6564 Virginia;

6565 14. A motor vehicle designed for the transportation of 10 or more passengers, purchased by and for  
6566 the use of a church conducted not for profit;

6567 15. Loaned or leased to a private nonprofit institution of learning, for the sole purpose of use in the  
6568 instruction of driver's education when such education is a part of such school's curriculum for full-time  
6569 students;

6570 16. Sold to an insurance company or local government group self-insurance pool, created pursuant to  
6571 § 15.2-2703, for the sole purpose of disposition when such company or pool has paid the registered  
6572 owner of such vehicle a total loss claim;

6573 17. Owned and used for personal or official purposes by accredited consular or diplomatic officers of  
6574 foreign governments, their employees or agents, and members of their families, if such persons are  
6575 nationals of the state by which they are appointed and are not citizens of the United States;

6576 18. A self-contained mobile computerized axial tomography scanner sold to, rented or used by a  
6577 nonprofit hospital or a cooperative hospital service organization as described in § 501(e) of the United  
6578 States Internal Revenue Code;

6579 19. A motor vehicle having seats for more than seven passengers and sold to a restricted common  
6580 carrier or common carrier of passengers;

6581 20. Beginning July 1, 1989, a self-contained mobile unit designed exclusively for human diagnostic  
6582 or therapeutic service, sold to, rented to, or used by a nonprofit hospital, or a cooperative hospital

service organization as described in § 501(e) of the United States Internal Revenue Code, or a nonprofit corporation as defined in § 501(c)(3) of the Internal Revenue Code, established for research in, diagnosis of, or therapy for human ailments;

21. Transferred, as a gift or through a sale to an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code, provided the motor vehicle is not titled and tagged for use by such organization;

22. A motor vehicle sold to an organization which is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and which is organized for the primary purpose of distributing food, clothing, medicines, and other necessities of life to, and providing shelter for, needy persons in the United States and throughout the world;

23. Transferred to the trustees of a revocable inter vivos trust, when the individual titleholder of a Virginia titled motor vehicle and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries of the trust may also be named in the trust instrument, when no consideration has passed between the titleholder and the beneficiaries; and transferred to the original titleholder from the trustees holding title to the motor vehicle;

24. Transferred to trustees of a revocable inter vivos trust, when the owners of the vehicle and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust instrument, or transferred by trustees of such a trust to beneficiaries of the trust following the death of the grantor, when no consideration has passed between the grantor and the beneficiaries in either case;

25. Sold by a vehicle's lessor to its lessee upon the expiration of the term of the vehicle's lease, if the lessee is a natural person and this natural person has paid the tax levied pursuant to this chapter with respect to the vehicle when he leased it from the lessor, and if the lessee presents an original copy of the lease upon request of the Department of Motor Vehicles or other evidence that the sales tax has been paid to the Commonwealth by the lessee purchasing the vehicle;

26. Titled in the name of a deceased person and transferred to the spouse or heir, or under the will, of such deceased person;

27. An all-terrain vehicle, moped, or off-road motorcycle all as defined in § 46.2-100. Such all-terrain vehicles, mopeds, or off-road motorcycles shall not be deemed a motor vehicle or other vehicle subject to the tax imposed under this chapter; or

28. A motor vehicle that is sold to an organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and that is primarily used by the organization to transport to markets for sale produce that is (i) produced by local farmers and (ii) sold by such farmers to the organization.

**§ 58.1-3506. Other classifications of tangible personal property for taxation.**

A. The items of property set forth below are each declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of tangible personal property provided in this chapter:

1. a. Boats or watercraft weighing five tons or more, not used solely for business purposes;

b. Boats or watercraft weighing less than five tons, not used solely for business purposes;

2. Aircraft having a maximum passenger seating capacity of no more than 50 that are owned and operated by scheduled air carriers operating under certificates of public convenience and necessity issued by the State Corporation Commission or the Civil Aeronautics Board;

3. Aircraft having a registered empty gross weight equal to or greater than 20,000 pounds that are not owned or operated by scheduled air carriers recognized under federal law, but not including any aircraft described in subdivision 4;

4. Aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and otherwise used for educational purposes (including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations (including such flights necessary for testing, maintaining, or preparing such aircraft for safe operation), shall constitute a new class of property. Such class of property shall not include any aircraft used for commercial purposes, including transportation and other services for a fee;

5. All other aircraft not included in subdivisions A 2, A 3, or A 4 and flight simulators;

6. Antique motor vehicles as defined in § 46.2-100 which may be used for general transportation purposes as provided in subsection C of § 46.2-730;

7. Tangible personal property used in a research and development business;

8. Heavy construction machinery not used for business purposes, including but not limited to land movers, bulldozers, front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting and silvicultural activity equipment and ditch and other types of diggers;

9. Generating equipment purchased after December 31, 1974, for the purpose of changing the energy source of a manufacturing plant from oil or natural gas to coal, wood, wood bark, wood residue, or any

other alternative energy source for use in manufacturing and any cogeneration equipment purchased to achieve more efficient use of any energy source. Such generating equipment and cogeneration equipment shall include, without limitation, such equipment purchased by firms engaged in the business of generating electricity or steam, or both;

10. Vehicles without motive power, used or designed to be used as manufactured homes as defined in § 36-85.3;

11. Computer hardware used by businesses primarily engaged in providing data processing services to other nonrelated or nonaffiliated businesses;

12. Privately owned pleasure boats and watercraft, 18 feet and over, used for recreational purposes only;

13. Privately owned vans with a seating capacity of not less than seven nor more than 15 persons, including the driver, used exclusively pursuant to a ridesharing arrangement as defined in § 46.2-1400;

14. Motor vehicles specially equipped to provide transportation for physically handicapped individuals;

15. Motor vehicles (i) owned by members of a volunteer ~~rescue squad~~ *emergency medical services agency or a member of a* volunteer fire department or (ii) leased by ~~members of a volunteer rescue squad emergency medical services personnel~~ *or a member of a* volunteer fire department if the ~~member~~ *volunteer* is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is owned by each volunteer ~~rescue squad~~ *member who meets the definition of "emergency medical services personnel" in § 32.1-111.1* or volunteer fire department member, or leased by each volunteer ~~rescue squad~~ *member who meets the definition of "emergency medical services personnel" in § 32.1-111.1* or volunteer fire department member if the ~~member~~ *volunteer* is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle, may be specially classified under this section, provided the volunteer ~~rescue squad member or volunteer fire department member~~ regularly responds to emergency calls. The volunteer shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief ~~or head~~ of the volunteer ~~organization~~ *emergency medical services agency or volunteer fire department*, that the volunteer is an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or a member of the volunteer ~~rescue squad or~~ fire department who regularly responds to calls or regularly performs other duties for the ~~rescue squad emergency medical services agency~~ or fire department, and the motor vehicle owned or leased by the volunteer ~~rescue squad member or volunteer fire department member~~ is identified. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the ~~member~~ *volunteer*, to accept a certification after the January 31 deadline. In any county that prorates the assessment of tangible personal property pursuant to § 58.1-3516, a replacement vehicle may be certified and classified pursuant to this subsection when the vehicle certified as of the immediately prior January date is transferred during the tax year;

16. Motor vehicles (i) owned by auxiliary members of a volunteer ~~rescue squad~~ *emergency medical services agency or* volunteer fire department or (ii) leased by auxiliary members of a volunteer ~~rescue squad~~ *emergency medical services agency or* volunteer fire department if the *auxiliary* member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary volunteer fire department or ~~rescue squad~~ *emergency medical services agency* member may be specially classified under this section. The auxiliary member shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief ~~or head~~ of the volunteer ~~organization~~ *emergency medical services agency or volunteer fire department*, that the volunteer is an auxiliary member of the volunteer ~~rescue squad~~ *emergency medical services agency or* fire department who regularly performs duties for the ~~rescue squad emergency medical services agency~~ or fire department, and the motor vehicle is identified as regularly used for such purpose; however, if a volunteer ~~rescue squad~~ *meets the definition of "emergency medical services personnel" in § 32.1-111.1* or volunteer fire department member and an auxiliary member are members of the same household, that household shall be allowed no more than two special classifications under this subdivision or subdivision 15. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the *auxiliary* member, to accept a certification after the January 31 deadline;

17. Motor vehicles owned by a nonprofit organization and used to deliver meals to homebound persons or provide transportation to senior or handicapped citizens in the community to carry out the purposes of the nonprofit organization;

18. Privately owned camping trailers as defined in § 46.2-100, and privately owned travel trailers as defined in § 46.2-1900, which are used for recreational purposes only, and privately owned trailers as

defined in § 46.2-100 which are designed and used for the transportation of horses except those trailers described in subdivision A 11 of § 58.1-3505;

19. One motor vehicle owned and regularly used by a veteran who has either lost, or lost the use of, one or both legs, or an arm or a hand, or who is blind or who is permanently and totally disabled as certified by the Department of Veterans Services. In order to qualify, the veteran shall provide a written statement to the commissioner of revenue or other assessing officer from the Department of Veterans Services that the veteran has been so designated or classified by the Department of Veterans Services as to meet the requirements of this section, and that his disability is service-connected. For purposes of this section, a person is blind if he meets the provisions of § 46.2-100;

20. Motor vehicles (i) owned by persons who have been appointed to serve as auxiliary police officers pursuant to Article 3 (§ 15.2-1731 et seq.) of Chapter 17 of Title 15.2 or (ii) leased by persons who have been so appointed to serve as auxiliary police officers if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary police officer to respond to auxiliary police duties may be specially classified under this section. In order to qualify for such classification, any auxiliary police officer who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary police officer or from the official who has appointed such auxiliary officers. That certification shall state that the applicant is an auxiliary police officer who regularly uses a motor vehicle to respond to auxiliary police duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

21. Until the first to occur of June 30, 2019, or the date that a special improvements tax is no longer levied under § 15.2-4607 on property within a Multicounty Transportation Improvement District created pursuant to Chapter 46 (§ 15.2-4600 et seq.) of Title 15.2, tangible personal property that is used in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District, provided that such business personal property is put into service within the District on or after July 1, 1999;

22. Motor vehicles which use clean special fuels as defined in § 46.2-749.3, which shall not include any vehicle described in subdivision 38 or 40;

23. Wild or exotic animals kept for public exhibition in an indoor or outdoor facility that is properly licensed by the federal government, the Commonwealth, or both, and that is properly zoned for such use. "Wild animals" means any animals that are found in the wild, or in a wild state, within the boundaries of the United States, its territories or possessions. "Exotic animals" means any animals that are found in the wild, or in a wild state, and are native to a foreign country;

24. Furniture, office, and maintenance equipment, exclusive of motor vehicles, that are owned and used by an organization whose real property is assessed in accordance with § 58.1-3284.1 and that is used by that organization for the purpose of maintaining or using the open or common space within a residential development;

25. Motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used to transport property for hire by a motor carrier engaged in interstate commerce;

26. All tangible personal property employed in a trade or business other than that described in subdivisions A 1 through A 19, except for subdivision A 17, of § 58.1-3503;

27. Programmable computer equipment and peripherals employed in a trade or business;

28. Privately owned pleasure boats and watercraft, motorized and under 18 feet, used for recreational purposes only;

29. Privately owned pleasure boats and watercraft, nonmotorized and under 18 feet, used for recreational purposes only;

30. Privately owned motor homes as defined in § 46.2-100 that are used for recreational purposes only;

31. Tangible personal property used in the provision of Internet services. For purposes of this subdivision, "Internet service" means a service, including an Internet Web-hosting service, that enables users to access content, information, electronic mail, and the Internet as part of a package of services sold to customers;

32. Motor vehicles (i) owned by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs or (ii) leased by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. For purposes of this subdivision, the term "auxiliary deputy sheriff" means auxiliary, reserve,

6766 volunteer, or special deputy sheriff. One motor vehicle that is regularly used by each auxiliary deputy  
 6767 sheriff to respond to auxiliary deputy sheriff duties may be specially classified under this section. In  
 6768 order to qualify for such classification, any auxiliary deputy sheriff who applies for such classification  
 6769 shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of  
 6770 revenue or other assessing officer with a certification from the governing body that has appointed such  
 6771 auxiliary deputy sheriff or from the official who has appointed such auxiliary deputy sheriff. That  
 6772 certification shall state that the applicant is an auxiliary deputy sheriff who regularly uses a motor  
 6773 vehicle to respond to such auxiliary duties, and it shall state that the vehicle for which the classification  
 6774 is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by  
 6775 January 31 of each year to the commissioner of revenue or other assessing officer; however, the  
 6776 commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good  
 6777 cause shown and without fault on the part of the member, to accept a certification after the January 31  
 6778 deadline;

6779 33. Forest harvesting and silvicultural activity equipment;

6780 34. Equipment used primarily for research, development, production, or provision of biotechnology  
 6781 for the purpose of developing or providing products or processes for specific commercial or public  
 6782 purposes, including, but not limited to, medical, pharmaceutical, nutritional, and other health-related  
 6783 purposes; agricultural purposes; or environmental purposes but not for human cloning purposes as  
 6784 defined in § 32.1-162.21 or for products or purposes related to human embryo stem cells. For purposes  
 6785 of this section, biotechnology equipment means equipment directly used in activities associated with the  
 6786 science of living things;

6787 35. Boats or watercraft weighing less than five tons, used for business purposes only;

6788 36. Boats or watercraft weighing five tons or more, used for business purposes only;

6789 37. Tangible personal property which is owned and operated by a service provider who is not a  
 6790 CMRS provider and is not licensed by the FCC used to provide, for a fee, wireless broadband Internet  
 6791 service. For purposes of this subdivision, "wireless broadband Internet service" means a service that  
 6792 enables customers to access, through a wireless connection at an upload or download bit rate of more  
 6793 than one megabyte per second, Internet service, as defined in § 58.1-602, as part of a package of  
 6794 services sold to customers;

6795 38. Low-speed vehicles as defined in § 46.2-100;

6796 39. Motor vehicles with a seating capacity of not less than 30 persons, including the driver;

6797 40. Motor vehicles powered solely by electricity;

6798 41. Tangible personal property designed and used primarily for the purpose of manufacturing a  
 6799 product from renewable energy as defined in § 56-576;

6800 42. Motor vehicles leased by a county, city, town, or constitutional officer if the locality or  
 6801 constitutional officer is obligated by the terms of the lease to pay tangible personal property tax on the  
 6802 motor vehicle;

6803 43. Computer equipment and peripherals used in a data center. For purposes of this subdivision,  
 6804 "data center" means a facility whose primary services are the storage, management, and processing of  
 6805 digital data and is used to house (i) computer and network systems, including associated components  
 6806 such as servers, network equipment and appliances, telecommunications, and data storage systems; (ii)  
 6807 systems for monitoring and managing infrastructure performance; (iii) equipment used for the  
 6808 transformation, transmission, distribution, or management of at least one megawatt of capacity of  
 6809 electrical power and cooling, including substations, uninterruptible power supply systems, all electrical  
 6810 plant equipment, and associated air handlers; (iv) Internet-related equipment and services; (v) data  
 6811 communications connections; (vi) environmental controls; (vii) fire protection systems; and (viii) security  
 6812 systems and services;

6813 44. Motor vehicles (i) owned by persons who serve as uniformed members of the Virginia Defense  
 6814 Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 or (ii) leased by persons who  
 6815 serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of  
 6816 Chapter 1 of Title 44 if the person is obligated by the terms of the lease to pay tangible personal  
 6817 property tax on the motor vehicle. One motor vehicle that is regularly used by a uniformed member of  
 6818 the Virginia Defense Force to respond to his official duties may be specially classified under this  
 6819 section. In order to qualify for such classification, any person who applies for such classification shall  
 6820 identify the vehicle for which the classification is sought and shall furnish to the commissioner of the  
 6821 revenue or other assessing officer a certification from the Adjutant General of the Department of  
 6822 Military Affairs under § 44-11. That certification shall state that (a) the applicant is a uniformed member  
 6823 of the Virginia Defense Force who regularly uses a motor vehicle to respond to his official duties, and  
 6824 (b) the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose.  
 6825 The certification shall be submitted by January 31 of each year to the commissioner of the revenue or  
 6826 other assessing officer; however, the commissioner of revenue or other assessing officer shall be



authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline; and

45. If a locality has adopted an ordinance pursuant to subsection D of § 58.1-3703, tangible personal property of a business that qualifies under such ordinance for the first two tax years in which the business is subject to tax upon its personal property pursuant to this chapter. If a locality has not adopted such ordinance, this classification shall apply to the tangible personal property for such first two tax years of a business that otherwise meets the requirements of subsection D of § 58.1-3703.

B. The governing body of any county, city or town may levy a tax on the property enumerated in subsection A at different rates from the tax levied on other tangible personal property. The rates of tax and the rates of assessment shall (i) for purposes of subdivisions 1, 2, 3, 4, 5, 6, 8, 11 through 20, 22 through 24, and 26 through 45, not exceed that applicable to the general class of tangible personal property, (ii) for purposes of subdivisions A 7, A 9, A 21, and A 25, not exceed that applicable to machinery and tools, and (iii) for purposes of subdivision A 10, equal that applicable to real property. If a motor vehicle is included in multiple classifications under subsection A, then the rate of tax shall be the lowest rate assigned to such classifications. If computer equipment and peripherals used in a data center could be included in classifications set forth in subdivision A 11, 26, 27, or 43, then the computer equipment and peripherals used in a data center shall be taxed at the lowest rate available under subdivision A 11, 26, 27, or 43.

C. Notwithstanding any other provision of this section, for any qualifying vehicle, as such term is defined in § 58.1-3523, (i) included in any separate class of property in subsection A and (ii) assessed for tangible personal property taxes by a county, city, or town receiving a payment from the Commonwealth under Chapter 35.1 (§ 58.1-3523 et seq.) for providing tangible personal property tax relief, the county, city, or town may levy the tangible personal property tax on such qualifying vehicle at a rate not to exceed the rates of tax and rates of assessment required under such chapter.

**§ 58.1-3610. Volunteer fire departments and volunteer emergency medical services agencies.**

Volunteer fire departments and volunteer ~~rescue squads~~ *emergency medical services agencies* that operate exclusively for the benefit of the general public without charge are hereby classified as charitable organizations.

**§ 58.1-3833. County food and beverage tax.**

A. Any county is hereby authorized to levy a tax on food and beverages sold, for human consumption, by a restaurant, as such term is defined in subdivision 9 of § 35.1-1, not to exceed four percent of the amount charged for such food and beverages. Such tax shall not be levied on food and beverages sold through vending machines or by (i) boardinghouses that do not accommodate transients; (ii) cafeterias operated by industrial plants for employees only; (iii) restaurants to their employees as part of their compensation when no charge is made to the employee; (iv) volunteer fire departments and ~~rescue squads~~ *volunteer emergency medical services agencies*; nonprofit churches or other religious bodies; or educational, charitable, fraternal, or benevolent organizations the first three times per calendar year and, beginning with the fourth time, on the first \$100,000 of gross receipts per calendar year from sales of food and beverages (excluding gross receipts from the first three times), as a fundraising activity, the gross proceeds of which are to be used by such church, religious body or organization exclusively for nonprofit educational, charitable, benevolent, or religious purposes; (v) churches that serve meals for their members as a regular part of their religious observances; (vi) public or private elementary or secondary schools, colleges, and universities to their students or employees; (vii) hospitals, medical clinics, convalescent homes, nursing homes, or other extended care facilities to patients or residents thereof; (viii) day care centers; (ix) homes for the aged, infirm, handicapped, battered women, narcotic addicts, or alcoholics; or (x) age-restricted apartment complexes or residences with restaurants, not open to the public, where meals are served and fees are charged for such food and beverages and are included in rental fees. Also, the tax shall not be levied on food and beverages: (a) when used or consumed and paid for by the Commonwealth, any political subdivision of the Commonwealth, or the United States; or (b) provided by a public or private nonprofit charitable organization or establishment to elderly, infirm, blind, handicapped, or needy persons in their homes, or at central locations; or (c) provided by private establishments that contract with the appropriate agency of the Commonwealth to offer food, food products, or beverages for immediate consumption at concession prices to elderly, infirm, blind, handicapped, or needy persons in their homes or at central locations.

Grocery stores and convenience stores selling prepared foods ready for human consumption at a delicatessen counter shall be subject to the tax, for that portion of the grocery store or convenience store selling such items.

This tax shall be levied only if the tax is approved in a referendum within the county which shall be held in accordance with § 24.2-684 and initiated either by a resolution of the board of supervisors or on the filing of a petition signed by a number of registered voters of the county equal in number to 10 percent of the number of voters registered in the county, as appropriate on January 1 of the year in

6888 which the petition is filed with the court of such county. The clerk of the circuit court shall publish  
 6889 notice of the election in a newspaper of general circulation in the county once a week for three  
 6890 consecutive weeks prior to the election. If the voters affirm the levy of a local meals tax, the tax shall  
 6891 be effective in an amount and on such terms as the governing body may by ordinance prescribe. If such  
 6892 resolution of the board of supervisors or such petition states for what projects and/or purposes the  
 6893 revenues collected from the tax are to be used, then the question on the ballot for the referendum shall  
 6894 include language stating for what projects and/or purposes the revenues collected from the tax are to be  
 6895 used.

6896 The term "beverage" as set forth herein shall mean alcoholic beverages as defined in § 4.1-100 and  
 6897 nonalcoholic beverages served as part of a meal. The tax shall be in addition to the sales tax currently  
 6898 imposed by the county pursuant to the authority of Chapter 6 (§ 58.1-600 et seq.) of this title. Collection  
 6899 of such tax shall be in a manner prescribed by the governing body.

6900 B. Notwithstanding the provisions of subsection A of this section, Roanoke County, Rockbridge  
 6901 County, Frederick County, Arlington County, and Montgomery County, are hereby authorized to levy a  
 6902 tax on food and beverages sold for human consumption by a restaurant, as such term is defined in  
 6903 § 35.1-1 and as modified in subsection A above and subject to the same exemptions, not to exceed four  
 6904 percent of the amount charged for such food and beverages, provided that the governing body of the  
 6905 respective county holds a public hearing before adopting a local food and beverage tax, and the  
 6906 governing body by unanimous vote adopts such tax by local ordinance. The tax shall be effective in an  
 6907 amount and on such terms as the governing body may by ordinance prescribe.

6908 C. Nothing herein contained shall affect any authority heretofore granted to any county, city or town  
 6909 to levy a meals tax. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax  
 6910 levied under this section, mutatis mutandis. All food and beverage tax collections and all meals tax  
 6911 collections shall be deemed to be held in trust for the county, city or town imposing the applicable tax.  
 6912 The wrongful and fraudulent use of such collections other than remittance of the same as provided by  
 6913 law shall constitute embezzlement pursuant to § 18.2-111.

6914 D. No county which has heretofore adopted an ordinance pursuant to subsection A of this section  
 6915 shall be required to submit an amendment to its meals tax ordinance to the voters in a referendum.

6916 E. Notwithstanding any other provision of this section, no locality shall levy any tax under this  
 6917 section upon (i) that portion of the amount paid by the purchaser as a discretionary gratuity in addition  
 6918 to the sales price; (ii) that portion of the amount paid by the purchaser as a mandatory gratuity or  
 6919 service charge added by the restaurant in addition to the sales price, but only to the extent that such  
 6920 mandatory gratuity or service charge does not exceed 20% of the sales price; or (iii) alcoholic beverages  
 6921 sold in factory sealed containers and purchased for off-premises consumption or food purchased for  
 6922 human consumption as "food" is defined in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended,  
 6923 and federal regulations adopted pursuant to that act, except for the following items: sandwiches, salad  
 6924 bar items sold from a salad bar, prepackaged single-serving salads consisting primarily of an assortment  
 6925 of vegetables, and nonfactory sealed beverages.

6926 **§ 58.1-3840. Certain excise taxes permitted.**

6927 A. The provisions of Chapter 6 (§ 58.1-600 et seq.) of this title to the contrary notwithstanding, any  
 6928 city or town having general taxing powers established by charter pursuant to or consistent with the  
 6929 provisions of § 15.2-1104 may impose excise taxes on cigarettes, admissions, transient room rentals,  
 6930 meals, and travel campgrounds. No such taxes on meals may be imposed on (i) that portion of the  
 6931 amount paid by the purchaser as a discretionary gratuity in addition to the sales price of the meal; (ii)  
 6932 that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by the  
 6933 restaurant in addition to the sales price of the meal, but only to the extent that such mandatory gratuity  
 6934 or service charge does not exceed 20% of the sales price; or (iii) food and beverages sold through  
 6935 vending machines or on any tangible personal property purchased with food coupons issued by the  
 6936 United States Department of Agriculture under the Food Stamp Program or drafts issued through the  
 6937 Virginia Special Supplemental Food Program for Women, Infants, and Children. No such taxes on meals  
 6938 may be imposed when sold or provided by (a) restaurants, as such term is defined in subdivision 9 a of  
 6939 § 35.1-1, to their employees as part of their compensation when no charge is made to the employee; (b)  
 6940 volunteer fire departments and ~~rescue squads~~ *volunteer emergency medical services agencies*; nonprofit  
 6941 churches or other religious bodies; or educational, charitable, fraternal, or benevolent organizations, the  
 6942 first three times per calendar year and, beginning with the fourth time, on the first \$100,000 of gross  
 6943 receipts per calendar year from sales of meals (excluding gross receipts from the first three times), as a  
 6944 fundraising activity, the gross proceeds of which are to be used by such church, religious body or  
 6945 organization exclusively for nonprofit educational, charitable, benevolent, or religious purposes; (c)  
 6946 churches that serve meals for their members as a regular part of their religious observances; (d) public  
 6947 or private elementary or secondary schools, or public or private colleges and universities, to their  
 6948 students or employees; (e) hospitals, medical clinics, convalescent homes, nursing homes, or other

extended care facilities to patients or residents thereof; (f) day care centers; (g) homes for the aged, infirm, handicapped, battered women, narcotic addicts, or alcoholics; or (h) age-restricted apartment complexes or residences with restaurants, not open to the public, where meals are served and fees are charged for such food and beverages and are included in rental fees.

Also, the tax shall not be levied on meals: (a) when used or consumed and paid for by the Commonwealth, any political subdivision of the Commonwealth, or the United States; or (b) provided by a public or private nonprofit charitable organization or establishment to elderly, infirm, blind, handicapped, or needy persons in their homes, or at central locations; or (c) provided by private establishments that contract with the appropriate agency of the Commonwealth to offer food, food products, or beverages for immediate consumption at concession prices to elderly, infirm, blind, handicapped, or needy persons in their homes or at central locations.

In addition, as set forth in § 51.5-98, no blind person operating a vending stand or other business enterprise under the jurisdiction of the Department for the Blind and Vision Impaired and located on property acquired and used by the United States for any military or naval purpose shall be required to collect and remit meals taxes.

B. Notwithstanding any other provision of this section, no city or town shall levy any tax under this section upon alcoholic beverages sold in factory sealed containers and purchased for off-premises consumption or food purchased for human consumption as "food" is defined in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, and federal regulations adopted pursuant to that act, except for the following items: sandwiches, salad bar items sold from a salad bar, prepackaged single-serving salads consisting primarily of an assortment of vegetables, and nonfactory sealed beverages.

C. Any city or town that is authorized to levy a tax on admissions may levy the tax on admissions paid for any event held at facilities that are not owned by the city or town at a lower rate than the rate levied on admissions paid for any event held at its city- or town-owned civic centers, stadiums and amphitheatres.

D. [Expired.]

#### **§ 63.2-100. Definitions.**

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

"Abused or neglected child" means any child less than 18 years of age:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis; or

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902.

If a civil proceeding under this title is based solely on the parent having left the child at a hospital or ~~rescue squad emergency medical services agency~~, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended ~~rescue squad emergency medical services agency~~ that employs emergency medical ~~technicians services providers~~, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult.

"Adult day care center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

"Adult exploitation" means the illegal use of an incapacitated adult or his resources for another's profit or advantage.

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults.

"Adult neglect" means that an adult is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. However, no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

"Adult protective services" means services provided by the local department that are necessary to protect an adult from abuse, neglect or exploitation.

"Assisted living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least a moderate level of assistance with activities of daily living.

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and (iv) any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

"Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent and, for purposes of adoptive placement, means

7071 parent(s) by previous adoption.

7072 "Board" means the State Board of Social Services.

7073 "Child" means any natural person under 18 years of age.

7074 "Child day center" means a child day program offered to (i) two or more children under the age of  
7075 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or  
7076 more children at any location.

7077 "Child day program" means a regularly operating service arrangement for children where, during the  
7078 absence of a parent or guardian, a person or organization has agreed to assume responsibility for the  
7079 supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

7080 "Child-placing agency" means any person who places children in foster homes, adoptive homes or  
7081 independent living arrangements pursuant to § 63.2-1819 or a local board that places children in foster  
7082 homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221. Officers, employees, or  
7083 agents of the Commonwealth, or any locality acting within the scope of their authority as such, who  
7084 serve as or maintain a child-placing agency, shall not be required to be licensed.

7085 "Child-protective services" means the identification, receipt and immediate response to complaints  
7086 and reports of alleged child abuse or neglect for children under 18 years of age. It also includes  
7087 assessment, and arranging for and providing necessary protective and rehabilitative services for a child  
7088 and his family when the child has been found to have been abused or neglected or is at risk of being  
7089 abused or neglected.

7090 "Child support services" means any civil, criminal or administrative action taken by the Division of  
7091 Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or  
7092 collect child support, or child and spousal support.

7093 "Child-welfare agency" means a child day center, child-placing agency, children's residential facility,  
7094 family day home, family day system, or independent foster home.

7095 "Children's residential facility" means any facility, child-caring institution, or group home that is  
7096 maintained for the purpose of receiving children separated from their parents or guardians for full-time  
7097 care, maintenance, protection and guidance, or for the purpose of providing independent living services  
7098 to persons between 18 and 21 years of age who are in the process of transitioning out of foster care.  
7099 Children's residential facility shall not include:

7100 1. A licensed or accredited educational institution whose pupils, in the ordinary course of events,  
7101 return annually to the homes of their parents or guardians for not less than two months of summer  
7102 vacation;

7103 2. An establishment required to be licensed as a summer camp by § 35.1-18; and

7104 3. A licensed or accredited hospital legally maintained as such.

7105 "Commissioner" means the Commissioner of the Department, his designee or authorized  
7106 representative.

7107 "Department" means the State Department of Social Services.

7108 "Department of Health and Human Services" means the Department of Health and Human Services  
7109 of the United States government or any department or agency thereof that may hereafter be designated  
7110 as the agency to administer the Social Security Act, as amended.

7111 "Disposable income" means that part of the income due and payable of any individual remaining  
7112 after the deduction of any amount required by law to be withheld.

7113 "Energy assistance" means benefits to assist low-income households with their home heating and  
7114 cooling needs, including, but not limited to, purchase of materials or substances used for home heating,  
7115 repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or  
7116 repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance  
7117 with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the  
7118 Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35), as amended.

7119 "Family day home" means a child day program offered in the residence of the provider or the home  
7120 of any of the children in care for one through 12 children under the age of 13, exclusive of the  
7121 provider's own children and any children who reside in the home, when at least one child receives care  
7122 for compensation. The provider of a licensed or registered family day home shall disclose to the parents  
7123 or guardians of children in their care the percentage of time per week that persons other than the  
7124 provider will care for the children. Family day homes serving six through 12 children, exclusive of the  
7125 provider's own children and any children who reside in the home, shall be licensed. However, no family  
7126 day home shall care for more than four children under the age of two, including the provider's own  
7127 children and any children who reside in the home, unless the family day home is licensed or voluntarily  
7128 registered. However, a family day home where the children in care are all grandchildren of the provider  
7129 shall not be required to be licensed.

7130 "Family day system" means any person who approves family day homes as members of its system;  
7131 who refers children to available family day homes in that system; and who, through contractual

7132 arrangement, may provide central administrative functions including, but not limited to, training of  
 7133 operators of member homes; technical assistance and consultation to operators of member homes;  
 7134 inspection, supervision, monitoring, and evaluation of member homes; and referral of children to  
 7135 available health and social services.

7136 "Foster care placement" means placement of a child through (i) an agreement between the parents or  
 7137 guardians and the local board where legal custody remains with the parents or guardians or (ii) an  
 7138 entrustment or commitment of the child to the local board or licensed child-placing agency.

7139 "Foster home" means the place of residence of any natural person in which any child, other than a  
 7140 child by birth or adoption of such person, resides as a member of the household.

7141 "General relief" means money payments and other forms of relief made to those persons mentioned  
 7142 in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with  
 7143 § 63.2-401.

7144 "Independent foster home" means a private family home in which any child, other than a child by  
 7145 birth or adoption of such person, resides as a member of the household and has been placed therein  
 7146 independently of a child-placing agency except (i) a home in which are received only children related by  
 7147 birth or adoption of the person who maintains such home and children of personal friends of such  
 7148 person and (ii) a home in which is received a child or children committed under the provisions of  
 7149 subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8.

7150 "Independent living" means a planned program of services designed to assist a child age 16 and over  
 7151 and persons who are former foster care children between the ages of 18 and 21 in transitioning to  
 7152 self-sufficiency.

7153 "Independent living arrangement" means placement of a child at least 16 years of age who is in the  
 7154 custody of a local board or licensed child-placing agency and has been placed by the local board or  
 7155 licensed child-placing agency in a living arrangement in which he does not have daily substitute parental  
 7156 supervision.

7157 "Independent living services" means services and activities provided to a child in foster care 14 years  
 7158 of age or older who was committed or entrusted to a local board of social services, child welfare  
 7159 agency, or private child-placing agency. "Independent living services" may also mean services and  
 7160 activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached  
 7161 the age of 21 years or (ii) is at least 18 years of age but who has not yet reached 21 years of age and  
 7162 who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of  
 7163 a local board of social services. Such services shall include counseling, education, housing, employment,  
 7164 and money management skills development, access to essential documents, and other appropriate  
 7165 services to help children or persons prepare for self-sufficiency.

7166 "Independent physician" means a physician who is chosen by the resident of the assisted living  
 7167 facility and who has no financial interest in the assisted living facility, directly or indirectly, as an  
 7168 owner, officer, or employee or as an independent contractor with the residence.

7169 "Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster  
 7170 care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other  
 7171 entity authorized to make such placements in accordance with the laws of the foreign country under  
 7172 which it operates.

7173 "Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care  
 7174 placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of  
 7175 the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or  
 7176 nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the  
 7177 action of any court.

7178 "Kinship care" means the full-time care, nurturing, and protection of children by relatives.

7179 "Local board" means the local board of social services representing one or more counties or cities.

7180 "Local department" means the local department of social services of any county or city in this  
 7181 Commonwealth.

7182 "Local director" means the director or his designated representative of the local department of the  
 7183 city or county.

7184 "Merit system plan" means those regulations adopted by the Board in the development and operation  
 7185 of a system of personnel administration meeting requirements of the federal Office of Personnel  
 7186 Management.

7187 "Parental placement" means locating or effecting the placement of a child or the placing of a child in  
 7188 a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

7189 "Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the  
 7190 aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child  
 7191 care; and general relief.

7192 "Qualified assessor" means an entity contracting with the Department of Medical Assistance Services

to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a home and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

"Registered family day home" means any family day home that has met the standards for voluntary registration for such homes pursuant to regulations adopted by the Board and that has obtained a certificate of registration from the Commissioner.

"Residential living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. The definition of "residential living care" includes the services provided by independent living facilities that voluntarily become licensed.

"Social services" means foster care, adoption, adoption assistance, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

"Special order" means an order imposing an administrative sanction issued to any party licensed pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in § 2.2-4001.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Department through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the Temporary Assistance for Needy Families program for families in which both natural or adoptive parents of a child reside in the home and neither parent is exempt from the Virginia Initiative for Employment Not Welfare (VIEW) participation under § 63.2-609.

"Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social Security Act, as amended, and administered by the Department through which foster care is provided on behalf of qualifying children.

#### **§ 63.2-1515. Central registry; disclosure of information.**

The central registry shall contain such information as shall be prescribed by Board regulation; however, when the founded case of abuse or neglect does not name the parents or guardians of the child as the abuser or neglecter, and the abuse or neglect occurred in a licensed or unlicensed child day center, a licensed, registered or approved family day home, a private or public school, or a children's residential facility, the child's name shall not be entered on the registry without consultation with and permission of the parents or guardians. If a child's name currently appears on the registry without consultation with and permission of the parents or guardians for a founded case of abuse and neglect that does not name the parents or guardians of the child as the abuser or neglecter, such parents or guardians may have the child's name removed by written request to the Department. The information contained in the central registry shall not be open to inspection by the public. However, appropriate disclosure may be made in accordance with Board regulations.

The Department shall respond to requests for a search of the central registry made by (i) local departments and (ii) local school boards regarding applicants for employment, pursuant to § 22.1-296.4, in cases where there is no match within the central registry within 10 business days of receipt of such requests. In cases where there is a match within the central registry regarding applicants for employment, the Department shall respond to requests made by local departments and local school boards within 30 business days of receipt of such requests. The response may be by first-class mail or facsimile transmission.

Any central registry check of a person who has applied to be a volunteer with a (a) Virginia affiliate of Big Brothers/Big Sisters of America, (b) Virginia affiliate of Compeer, (c) Virginia affiliate of Childhelp USA/rs, (d) volunteer fire company or volunteer rescue squad emergency medical services agency, or (e) with a court-appointed special advocate program pursuant to § 9.1-153 shall be conducted at no charge.

#### **§ 65.2-101. Definitions.**

As used in this title:

"Average weekly wage" means:

1. a. The earnings of the injured employee in the employment in which he was working at the time of the injury during the period of 52 weeks immediately preceding the date of the injury, divided by 52; but if the injured employee lost more than seven consecutive calendar days during such period, although

not in the same week, then the earnings for the remainder of the 52 weeks shall be divided by the number of weeks remaining after the time so lost has been deducted. When the employment prior to the injury extended over a period of less than 52 weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed, provided that results fair and just to both parties will be thereby obtained. When, by reason of a shortness of time during which the employee has been in the employment of his employer or the casual nature or terms of his employment, it is impractical to compute the average weekly wages as above defined, regard shall be had to the average weekly amount which during the 52 weeks previous to the injury was being earned by a person of the same grade and character employed in the same class of employment in the same locality or community.

b. When for exceptional reasons the foregoing would be unfair either to the employer or employee, such other method of computing average weekly wages may be resorted to as will most nearly approximate the amount which the injured employee would be earning were it not for the injury.

2. Whenever allowances of any character made to an employee in lieu of wages are a specified part of the wage contract, they shall be deemed a part of his earnings. For the purpose of this title, the average weekly wage of the members of the Virginia National Guard, the Virginia Naval Militia and the Virginia Defense Force, registered members on duty or in training of the United States Civil Defense Corps of ~~this the~~ the Commonwealth, volunteer firefighters engaged in firefighting activities under the supervision and control of the Department of Forestry, and forest wardens shall be deemed to be such amount as will entitle them to the maximum compensation payable under this title; however, any award entered under the provisions of this title on behalf of members of the National Guard, the Virginia Naval Militia or their dependents, or registered members on duty or in training of the United States Civil Defense Corps of ~~this the~~ the Commonwealth or their dependents, shall be subject to credit for benefits paid them under existing or future federal law on account of injury or occupational disease covered by the provisions of this title.

3. Whenever volunteer firefighters, volunteer ~~lifesaving or volunteer rescue squad members~~ *emergency medical services personnel*, volunteer law-enforcement chaplains, auxiliary or reserve police, auxiliary or reserve deputy sheriffs, ~~volunteer emergency medical technicians~~, members of volunteer search and rescue organizations, volunteer members of community emergency response teams, and volunteer members of medical reserve corps are deemed employees under this title, their average weekly wage shall be deemed sufficient to produce the minimum compensation provided by this title for injured workers or their dependents. For the purposes of workers' compensation insurance premium calculations, the monthly payroll for each volunteer firefighter or volunteer ~~lifesaving or volunteer rescue squad~~ *member who is an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1* shall be deemed to be \$300.

4. The average weekly wage of persons, other than those covered in subdivision 3 of this definition, who respond to a hazardous materials incident at the request of the Department of Emergency Management shall be based upon the earnings of such persons from their primary employers.

"Award" means the grant or denial of benefits or other relief under this title or any rule adopted pursuant thereto.

"Change in condition" means a change in physical condition of the employee as well as any change in the conditions under which compensation was awarded, suspended, or terminated which would affect the right to, amount of, or duration of compensation.

"Client company" means any person that enters into an agreement for professional employer services with a professional employer organization.

"Coemployee" means an employee performing services pursuant to an agreement for professional employer services between a client company and a professional employer organization.

"Commission" means the Virginia Workers' Compensation Commission as well as its former designation as the Virginia Industrial Commission.

"Employee" means:

1. a. Every person, including aliens and minors, in the service of another under any contract of hire or apprenticeship, written or implied, whether lawfully or unlawfully employed, except (i) one whose employment is not in the usual course of the trade, business, occupation or profession of the employer or (ii) as otherwise provided in subdivision 2 of this definition.

b. Any apprentice, trainee, or retrainee who is regularly employed while receiving training or instruction outside of regular working hours and off the job, so long as the training or instruction is related to his employment and is authorized by his employer.

c. Members of the Virginia National Guard and the Virginia Naval Militia, whether on duty in a paid or unpaid status or when performing voluntary service to their unit in a nonduty status at the request of their commander.

Income benefits for members of the National Guard or Naval Militia shall be terminated when they



are able to return to their customary civilian employment or self-employment. If they are neither employed nor self-employed, those benefits shall terminate when they are able to return to their military duties. If a member of the National Guard or Naval Militia who is fit to return to his customary civilian employment or self-employment remains unable to perform his military duties and thereby suffers loss of military pay which he would otherwise have earned, he shall be entitled to one day of income benefits for each unit training assembly or day of paid training which he is unable to attend.

d. Members of the Virginia Defense Force.

e. Registered members of the United States Civil Defense Corps of ~~this~~ *the* Commonwealth, whether on duty or in training.

f. Except as provided in subdivision 2 of this definition, all officers and employees of the Commonwealth, including (i) forest wardens; (ii) judges, clerks, deputy clerks and employees of juvenile and domestic relations district courts and general district courts; and (iii) secretaries and administrative assistants for officers and members of the General Assembly employed pursuant to § 30-19.4 and compensated as provided in the general appropriation act, who shall be deemed employees of the Commonwealth.

g. Except as provided in subdivision 2 of this definition, all officers and employees of a municipal corporation or political subdivision of the Commonwealth.

h. Except as provided in subdivision 2 of this definition, (i) every executive officer, including president, vice-president, secretary, treasurer or other officer, elected or appointed in accordance with the charter and bylaws of a corporation, municipal or otherwise and (ii) every manager of a limited liability company elected or appointed in accordance with the articles of organization or operating agreement of the limited liability company.

i. Policemen and firefighters, sheriffs and their deputies, town sergeants and their deputies, county and city commissioners of the revenue, county and city treasurers, attorneys for the Commonwealth, clerks of circuit courts and their deputies, officers and employees, and electoral board members appointed in accordance with § 24.2-106, who shall be deemed employees of the respective cities, counties and towns in which their services are employed and by whom their salaries are paid or in which their compensation is earnable. However, notwithstanding the foregoing provision of this subdivision, such individuals who would otherwise be deemed to be employees of the city, county, or town in which their services are employed and by whom their salaries are paid or in which their compensation is earnable shall be deemed to be employees of the Commonwealth while rendering aid outside of the Commonwealth pursuant to a request, approved by the Commonwealth, under the Emergency Management Assistance Compact enacted pursuant to § 44-146.28:1.

j. Members of the governing body of any county, city, or town in the Commonwealth, whenever coverage under this title is extended to such members by resolution or ordinance duly adopted.

k. Volunteers, officers and employees of any commission or board of any authority created or controlled by a local governing body, or any local agency or public service corporation owned, operated or controlled by such local governing body, whenever coverage under this title is authorized by resolution or ordinance duly adopted by the governing board of any county, city, town, or any political subdivision thereof.

l. Except as provided in subdivision 2 of this definition, volunteer firefighters, volunteer ~~lifesaving or rescue squad members~~ *emergency medical services agency personnel*, volunteer law-enforcement chaplains, auxiliary or reserve police, auxiliary or reserve deputy sheriffs, ~~volunteer emergency medical technicians~~, members of volunteer search and rescue organizations, volunteer members of regional hazardous materials emergency response teams, volunteer members of community emergency response teams, and volunteer members of medical reserve corps, who shall be deemed employees of (i) the political subdivision or state institution of higher education in which the principal office of such volunteer fire company, volunteer ~~lifesaving or rescue squad~~ *emergency medical services agency personnel*, volunteer law-enforcement chaplains, auxiliary or reserve police force, auxiliary or reserve deputy sheriff force, ~~volunteer emergency medical technicians~~, volunteer search and rescue organization, regional hazardous materials emergency response team, community emergency response team, or medical reserve corps is located if the governing body of such political subdivision or state institution of higher education has adopted a resolution acknowledging those persons as employees for the purposes of this title or (ii) in the case of volunteer firefighters or volunteer ~~lifesaving or rescue squad members~~ *emergency medical services personnel*, the fire companies or ~~squads~~ *emergency medical services agencies* for which volunteer services are provided whenever such companies or squads elect to be included as an employer under this title.

m. (1) Volunteer firefighters, volunteer ~~lifesaving or rescue squad members~~ *emergency medical services agency personnel*, volunteer law-enforcement chaplains, auxiliary or reserve police, auxiliary or reserve deputy sheriffs, ~~volunteer emergency medical technicians~~, members of volunteer search and rescue organizations and any other persons who respond to an incident upon request of the Department

7376 of Emergency Management, who shall be deemed employees of the Department of Emergency  
7377 Management for the purposes of this title.

7378 (2) Volunteer firefighters when engaged in firefighting activities under the supervision and control of  
7379 the Department of Forestry, who shall be deemed employees of the Department of Forestry for the  
7380 purposes of this title.

7381 n. Any sole proprietor, shareholder of a stock corporation having only one shareholder, member of a  
7382 limited liability company having only one member, or all partners of a business electing to be included  
7383 as an employee under the workers' compensation coverage of such business if the insurer is notified of  
7384 this election. Any sole proprietor, shareholder or member or the partners shall, upon such election, be  
7385 entitled to employee benefits and be subject to employee responsibilities prescribed in this title.

7386 When any partner or sole shareholder, member or proprietor is entitled to receive coverage under this  
7387 title, such person shall be subject to all provisions of this title as if he were an employee; however, the  
7388 notices required under §§ 65.2-405 and 65.2-600 of this title shall be given to the insurance carrier, and  
7389 the panel of physicians required under § 65.2-603 shall be selected by the insurance carrier.

7390 o. The independent contractor of any employer subject to this title at the election of such employer  
7391 provided (i) the independent contractor agrees to such inclusion and (ii) unless the employer is  
7392 self-insured, the employer's insurer agrees in writing to such inclusion. All or part of the cost of the  
7393 insurance coverage of the independent contractor may be borne by the independent contractor.

7394 When any independent contractor is entitled to receive coverage under this section, such person shall  
7395 be subject to all provisions of this title as if he were an employee, provided that the notices required  
7396 under §§ 65.2-405 and 65.2-600 are given either to the employer or its insurance carrier.

7397 However, nothing in this title shall be construed to make the employees of any independent  
7398 contractor the employees of the person or corporation employing or contracting with such independent  
7399 contractor.

7400 p. The legal representative, dependents and any other persons to whom compensation may be payable  
7401 when any person covered as an employee under this title shall be deceased.

7402 q. Jail officers and jail superintendents employed by regional jails or jail farm boards or authorities,  
7403 whether created pursuant to Article 3.1 (§ 53.1-95.2 et seq.) or Article 5 (§ 53.1-105 et seq.) of Chapter  
7404 3 of Title 53.1, or an act of assembly.

7405 r. AmeriCorps members who receive stipends in return for volunteering in local, state and nonprofit  
7406 agencies in the Commonwealth, who shall be deemed employees of the Commonwealth for the purposes  
7407 of this title.

7408 s. Food Stamp recipients participating in the work experience component of the Food Stamp  
7409 Employment and Training Program, who shall be deemed employees of the Commonwealth for the  
7410 purposes of this title.

7411 t. Temporary Assistance for Needy Families recipients not eligible for Medicaid participating in the  
7412 work experience component of the Virginia Initiative for Employment Not Welfare Program, who shall  
7413 be deemed employees of the Commonwealth for the purposes of this title.

7414 2. "Employee" shall not mean:

7415 a. Officers and employees of the Commonwealth who are elected by the General Assembly, or  
7416 appointed by the Governor, either with or without the confirmation of the Senate. This exception shall  
7417 not apply to any "state employee" as defined in § 51.1-124.3 nor to Supreme Court Justices, judges of  
7418 the Court of Appeals, judges of the circuit or district courts, members of the Workers' Compensation  
7419 Commission and the State Corporation Commission, or the Superintendent of State Police.

7420 b. Officers and employees of municipal corporations and political subdivisions of the Commonwealth  
7421 who are elected by the people or by the governing bodies, and who act in purely administrative  
7422 capacities and are to serve for a definite term of office.

7423 c. Any person who is a licensed real estate salesperson, or a licensed real estate broker associated  
7424 with a real estate broker, if (i) substantially all of the salesperson's or associated broker's remuneration is  
7425 derived from real estate commissions, (ii) the services of the salesperson or associated broker are  
7426 performed under a written contract specifying that the salesperson is an independent contractor, and (iii)  
7427 such contract includes a provision that the salesperson or associated broker will not be treated as an  
7428 employee for federal income tax purposes.

7429 d. Any taxicab or executive sedan driver, provided the Commission is furnished evidence that such  
7430 individual is excluded from taxation by the Federal Unemployment Tax Act.

7431 e. Casual employees.

7432 f. Domestic servants.

7433 g. Farm and horticultural laborers, unless the employer regularly has in service more than three  
7434 full-time employees.

7435 h. Employees of any person, firm or private corporation, including any public service corporation,  
7436 that has regularly in service less than three employees in the same business within this Commonwealth,

unless such employees and their employers voluntarily elect to be bound by this title. However, this exemption shall not apply to the operators of underground coal mines or their employees. An executive officer who is not paid salary or wages on a regular basis at an agreed upon amount and who rejects coverage under this title pursuant to § 65.2-300 shall not be included as an employee for purposes of this subdivision.

i. Employees of any common carrier by railroad engaging in commerce between any of the several states or territories or between the District of Columbia and any of the states or territories and any foreign nation or nations, and any person suffering injury or death while he is employed by such carrier in such commerce. This title shall not be construed to lessen the liability of any such common carrier or to diminish or take away in any respect any right that any person so employed, or the personal representative, kindred or relation, or dependent of such person, may have under the act of Congress relating to the liability of common carriers by railroad to their employees in certain cases, approved April 22, 1908, or under §§ 8.01-57 through 8.01-62 or § 56-441.

j. Employees of common carriers by railroad who are engaged in intrastate trade or commerce. However, this title shall not be construed to lessen the liability of such common carriers or take away or diminish any right that any employee or, in case of his death, the personal representative of such employee of such common carrier may have under §§ 8.01-57 through 8.01-61 or § 56-441.

k. Except as provided in subdivision 1 of this definition, a member of a volunteer fire-fighting, lifesaving or rescue squad fire department or volunteer emergency medical services agency when engaged in activities related principally to participation as an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or a member of such squad fire department whether or not the volunteer continues to receive compensation from his employer for time away from the job.

l. Except as otherwise provided in this title, noncompensated employees and noncompensated directors of corporations exempt from taxation pursuant to § 501(c)(3) of Title 26 of the United States Code (Internal Revenue Code of 1954).

m. Any person performing services as a sports official for an entity sponsoring an interscholastic or intercollegiate sports event or any person performing services as a sports official for a public entity or a private, nonprofit organization which sponsors an amateur sports event. For the purposes of this subdivision, "sports official" includes an umpire, referee, judge, scorekeeper, timekeeper or other person who is a neutral participant in a sports event. This shall not include any person, otherwise employed by an organization or entity sponsoring a sports event, who performs services as a sports official as part of his regular employment.

n. Any person who suffers an injury on or after July 1, 2012, for which there is jurisdiction under either the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. § 901 et seq., and its extensions, or the Merchant Marine Act of 1920, 46 U.S.C. § 30104 et seq. However, this title shall not be construed to eliminate or diminish any right that any person or, in the case of the person's death, his personal representative, may have under either the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. § 901 et seq., and its extensions, or the Merchant Marine Act of 1920, 46 U.S.C. § 30104 et seq.

"Employer" includes (i) any person, the Commonwealth or any political subdivision thereof and any individual, firm, association or corporation, or the receiver or trustee of the same, or the legal representative of a deceased employer, using the service of another for pay and (ii) any volunteer fire company or volunteer lifesaving or rescue squad emergency medical services agency electing to be included and maintaining coverage as an employer under this title. If the employer is insured, it includes his insurer so far as applicable.

"Executive officer" means (i) the president, vice-president, secretary, treasurer or other officer, elected or appointed in accordance with the charter and bylaws of a corporation and (ii) the managers elected or appointed in accordance with the articles of organization or operating agreement of a limited liability company. However, such term does not include noncompensated officers of corporations exempt from taxation pursuant to § 501(c)(3) of Title 26 of the United States Code (Internal Revenue Code of 1954).

"Filed" means hand delivered to the Commission's office in Richmond or any regional office maintained by the Commission; sent by means of electronic transmission approved by the Commission; sent by facsimile transmission; or posted at any post office of the United States Postal Service by certified or registered mail. Filing by first-class mail, electronic transmission, or facsimile transmission shall be deemed completed only when the document or other material transmitted reaches the Commission or its designated agent.

"Injury" means only injury by accident arising out of and in the course of the employment or occupational disease as defined in Chapter 4 (§ 65.2-400 et seq.) of this title and does not include a disease in any form, except when it results naturally and unavoidably from either of the foregoing

causes. Such term shall not include any injury, disease or condition resulting from an employee's voluntary:

1. Participation in employer-sponsored off-duty recreational activities which are not part of the employee's duties; or

2. Use of a motor vehicle that was provided to the employee by a motor vehicle dealer as defined by § 46.2-1500 and bears a dealer's license plate as defined by § 46.2-1550 for (i) commuting to or from work or (ii) any other nonwork activity.

Such term shall include any injury, disease or condition:

1. Arising out of and in the course of the employment of (a) an employee of a hospital as defined in § 32.1-123; (b) an employee of a health care provider as defined in § 8.01-581.1; (c) an employee of the Department of Health or a local department of health; (d) a member of a search and rescue organization; or (e) any person described in clauses (i) through (iv), (vi), and (ix) of subsection A of § 65.2-402.1 otherwise subject to the provisions of this title; and

2. Resulting from (a) the administration of vaccinia (smallpox) vaccine, Cidofivir and derivatives thereof, or Vaccinia Immune Globulin as part of federally initiated smallpox countermeasures, or (b) transmission of vaccinia in the course of employment from an employee participating in such countermeasures to a coemployee of the same employer.

"Professional employer organization" means any person that enters into a written agreement with a client company to provide professional employer services.

"Professional employer services" means services provided to a client company pursuant to a written agreement with a professional employer organization whereby the professional employer organization initially employs all or a majority of a client company's workforce and assumes responsibilities as an employer for all coemployees that are assigned, allocated, or shared by the agreement between the professional employer organization and the client company.

"Staffing service" means any person, other than a professional employer organization, that hires its own employees and assigns them to a client to support or supplement the client's workforce. It includes temporary staffing services that supply employees to clients in special work situations such as employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects.

**§ 65.2-102. Coverage of firefighters and law-enforcement officers in off-duty capacity.**

A. Notwithstanding any other provision of law, a claim for workers' compensation benefits shall be deemed to be in the course of employment of any firefighter or law-enforcement officer who, in an off-duty capacity or outside an assigned shift or work location, undertakes any law-enforcement or rescue activity. Nothing in this section shall prohibit an employer from using any defense otherwise available under this title.

B. For purposes of this section:

"Firefighter" means all (i) salaried firefighters, including special forest wardens designated pursuant to § 10.1-1135, emergency medical ~~technicians, lifesaving and rescue squad members~~ *services personnel*, and arson investigators and (ii) volunteer firefighters and ~~lifesaving or rescue squad members~~ *emergency medical services personnel*, if the governing body of the political subdivision in which the principal office of such volunteer fire company or volunteer ~~lifesaving or rescue squad~~ *emergency medical services agency* is located has adopted a resolution acknowledging such volunteer fire company or volunteer ~~lifesaving and rescue squad~~ *emergency medical services agency* as employees for purposes of this title.

"Law-enforcement officer" means all (i) members of county, city, town, or authority police departments, (ii) sheriffs and deputy sheriffs, (iii) auxiliary or reserve police and auxiliary or reserve deputy sheriffs, if the governing body of the political subdivision in which the principal office of such auxiliary or reserve police and auxiliary or reserve deputy sheriff force is located has adopted a resolution acknowledging such auxiliary or reserve police and auxiliary or reserve deputy sheriffs as employees for purposes of this title, (iv) members of the State Police Officers' Retirement System, and (v) members of the Capitol Police as described in § 30-34.2:1.

**§ 65.2-402. Presumption as to death or disability from respiratory disease, hypertension or heart disease, cancer.**

A. Respiratory diseases that cause (i) the death of volunteer or salaried firefighters or Department of Emergency Management hazardous materials officers or (ii) any health condition or impairment of such firefighters or Department of Emergency Management hazardous materials officers resulting in total or partial disability shall be presumed to be occupational diseases, suffered in the line of duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary.

B. Hypertension or heart disease causing the death of, or any health condition or impairment resulting in total or partial disability of (i) salaried or volunteer firefighters, (ii) members of the State Police Officers' Retirement System, (iii) members of county, city, or town police departments, (iv)

sheriffs and deputy sheriffs, (v) Department of Emergency Management hazardous materials officers, (vi) city sergeants or deputy city sergeants of the City of Richmond, (vii) Virginia Marine Police officers, (viii) conservation police officers who are full-time sworn members of the enforcement division of the Department of Game and Inland Fisheries, (ix) Capitol Police officers, (x) special agents of the Department of Alcoholic Beverage Control appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1, (xi) for such period that the Metropolitan Washington Airports Authority voluntarily subjects itself to the provisions of this chapter as provided in § 65.2-305, officers of the police force established and maintained by the Metropolitan Washington Airports Authority, (xii) officers of the police force established and maintained by the Norfolk Airport Authority, (xiii) sworn officers of the police force established and maintained by the Virginia Port Authority, and (xiv) campus police officers appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 and employed by any public institution of higher education shall be presumed to be occupational diseases, suffered in the line of duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary.

C. Leukemia or pancreatic, prostate, rectal, throat, ovarian or breast cancer causing the death of, or any health condition or impairment resulting in total or partial disability of, any volunteer or salaried firefighter, Department of Emergency Management hazardous materials officer, commercial vehicle enforcement officer or motor carrier safety trooper employed by the Department of State Police, or full-time sworn member of the enforcement division of the Department of Motor Vehicles having completed ~~twelve~~ 12 years of continuous service who has a contact with a toxic substance encountered in the line of duty shall be presumed to be an occupational disease, suffered in the line of duty, that is covered by this title, unless such presumption is overcome by a preponderance of competent evidence to the contrary. For the purposes of this section, a "toxic substance" is one which is a known or suspected carcinogen, as defined by the International Agency for Research on Cancer, and which causes, or is suspected to cause, leukemia or pancreatic, prostate, rectal, throat, ovarian or breast cancer.

D. The presumptions described in subsections A, B, and C shall only apply if persons entitled to invoke them have, if requested by the private employer, appointing authority or governing body employing them, undergone preemployment physical examinations that (i) were conducted prior to the making of any claims under this title that rely on such presumptions, (ii) were performed by physicians whose qualifications are as prescribed by the private employer, appointing authority or governing body employing such persons, (iii) included such appropriate laboratory and other diagnostic studies as the private employer, appointing authorities or governing bodies may have prescribed, and (iv) found such persons free of respiratory diseases, hypertension, cancer or heart disease at the time of such examinations.

E. Persons making claims under this title who rely on such presumptions shall, upon the request of private employers, appointing authorities or governing bodies employing such persons, submit to physical examinations (i) conducted by physicians selected by such employers, authorities, bodies or their representatives and (ii) consisting of such tests and studies as may reasonably be required by such physicians. However, a qualified physician, selected and compensated by the claimant, may, at the election of such claimant, be present at such examination.

F. Whenever a claim for death benefits is made under this title and the presumptions of this section are invoked, any person entitled to make such claim shall, upon the request of the appropriate private employer, appointing authority or governing body that had employed the deceased, submit the body of the deceased to a postmortem examination as may be directed by the Commission. A qualified physician, selected and compensated by the person entitled to make the claim, may, at the election of such claimant, be present at such postmortem examination.

G. ~~Volunteer lifesaving and rescue squad members~~ *emergency medical services personnel*, volunteer law-enforcement chaplains, auxiliary and reserve deputy sheriffs, and auxiliary and reserve police are not included within the coverage of this section.

H. For purposes of this section, ~~the term "firefighter" shall include~~ *includes* special forest wardens designated pursuant to § 10.1-1135 and any persons who are employed by or contract with private employers primarily to perform firefighting services.

**§ 65.2-402.1. Presumption as to death or disability from infectious disease.**

A. Hepatitis, meningococcal meningitis, tuberculosis or HIV causing the death of, or any health condition or impairment resulting in total or partial disability of, any (i) salaried or volunteer firefighter, ~~paramedic or salaried or volunteer emergency medical technician services personnel~~, (ii) member of the State Police Officers' Retirement System, (iii) member of county, city, or town police departments, (iv) sheriff or deputy sheriff, (v) Department of Emergency Management hazardous materials officer, (vi) city sergeant or deputy city sergeant of the City of Richmond, (vii) Virginia Marine Police officer, (viii) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries, (ix) Capitol Police officer, (x) special agent of the

7620 Department of Alcoholic Beverage Control appointed under the provisions of Chapter 1 (§ 4.1-100 et  
 7621 seq.) of Title 4.1, (xi) for such period that the Metropolitan Washington Airports Authority voluntarily  
 7622 subjects itself to the provisions of this chapter as provided in § 65.2-305, officer of the police force  
 7623 established and maintained by the Metropolitan Washington Airports Authority, (xii) officer of the police  
 7624 force established and maintained by the Norfolk Airport Authority, (xiii) conservation officer of the  
 7625 Department of Conservation and Recreation commissioned pursuant to § 10.1-115, (xiv) sworn officer of  
 7626 the police force established and maintained by the Virginia Port Authority, or (xv) any campus police  
 7627 officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 and employed by any public institution  
 7628 of higher education, who has a documented occupational exposure to blood or body fluids shall be  
 7629 presumed to be occupational diseases, suffered in the line of government duty, that are covered by this  
 7630 title unless such presumption is overcome by a preponderance of competent evidence to the contrary.  
 7631 For purposes of this section, an occupational exposure occurring on or after July 1, 2002, shall be  
 7632 deemed "documented" if the person covered under this section gave notice, written or otherwise, of the  
 7633 occupational exposure to his employer, and an occupational exposure occurring prior to July 1, 2002,  
 7634 shall be deemed "documented" without regard to whether the person gave notice, written or otherwise,  
 7635 of the occupational exposure to his employer.

7636 B. As used in this section:

7637 "Blood or body fluids" means blood and body fluids containing visible blood and other body fluids  
 7638 to which universal precautions for prevention of occupational transmission of blood-borne pathogens, as  
 7639 established by the Centers for Disease Control, apply. For purposes of potential transmission of hepatitis,  
 7640 meningococcal meningitis, tuberculosis, or HIV the term "blood or body fluids" includes respiratory,  
 7641 salivary, and sinus fluids, including droplets, sputum, saliva, mucous, and any other fluid through which  
 7642 infectious airborne or blood-borne organisms can be transmitted between persons.

7643 "Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A, hepatitis non-B, hepatitis C or any other  
 7644 strain of hepatitis generally recognized by the medical community.

7645 "HIV" means the medically recognized retrovirus known as human immunodeficiency virus, type I or  
 7646 type II, causing immunodeficiency syndrome.

7647 "Occupational exposure," in the case of hepatitis, meningococcal meningitis, tuberculosis or HIV,  
 7648 means an exposure that occurs during the performance of job duties that places a covered employee at  
 7649 risk of infection.

7650 C. Persons covered under this section who test positive for exposure to the enumerated occupational  
 7651 diseases, but have not yet incurred the requisite total or partial disability, shall otherwise be entitled to  
 7652 make a claim for medical benefits pursuant to § 65.2-603, including entitlement to an annual medical  
 7653 examination to measure the progress of the condition, if any, and any other medical treatment,  
 7654 prophylactic or otherwise.

7655 D. Whenever any standard, medically-recognized vaccine or other form of immunization or  
 7656 prophylaxis exists for the prevention of a communicable disease for which a presumption is established  
 7657 under this section, if medically indicated by the given circumstances pursuant to immunization policies  
 7658 established by the Advisory Committee on Immunization Practices of the United States Public Health  
 7659 Service, a person subject to the provisions of this section may be required by such person's employer to  
 7660 undergo the immunization or prophylaxis unless the person's physician determines in writing that the  
 7661 immunization or prophylaxis would pose a significant risk to the person's health. Absent such written  
 7662 declaration, failure or refusal by a person subject to the provisions of this section to undergo such  
 7663 immunization or prophylaxis shall disqualify the person from any presumption established by this  
 7664 section.

7665 E. The presumptions described in subsection A shall only apply if persons entitled to invoke them  
 7666 have, if requested by the appointing authority or governing body employing them, undergone  
 7667 preemployment physical examinations that (i) were conducted prior to the making of any claims under  
 7668 this title that rely on such presumptions, (ii) were performed by physicians whose qualifications are as  
 7669 prescribed by the appointing authority or governing body employing such persons, (iii) included such  
 7670 appropriate laboratory and other diagnostic studies as the appointing authorities or governing bodies may  
 7671 have prescribed, and (iv) found such persons free of hepatitis, meningococcal meningitis, tuberculosis or  
 7672 HIV at the time of such examinations. The presumptions described in subsection A shall not be effective  
 7673 until six months following such examinations, unless such persons entitled to invoke such presumption  
 7674 can demonstrate a documented exposure during the six-month period.

7675 F. Persons making claims under this title who rely on such presumption shall, upon the request of  
 7676 appointing authorities or governing bodies employing such persons, submit to physical examinations (i)  
 7677 conducted by physicians selected by such appointing authorities or governing bodies or their  
 7678 representatives and (ii) consisting of such tests and studies as may reasonably be required by such  
 7679 physicians. However, a qualified physician, selected and compensated by the claimant, may, at the  
 7680 election of such claimant, be present at such examination.

**§ 66-25.1. Work programs.**

A. The Director or his designee may enter into an agreement with a public or private entity for the operation of a work program for juveniles committed to the Department.

B. The primary purpose of such work program shall be the training of such juveniles, not the production of goods or the rendering of service by juveniles committed to the Department. Such work programs also shall not interfere with or impact a juvenile's education program where the goal is achieving a high school diploma or its equivalent. The Board shall promulgate regulations governing the form and review process for proposed agreements.

C. Articles produced or manufactured and services provided by juveniles participating in such a work program may be purchased by any county, *by any* district of any county, city, or town and by any nonprofit organization, including volunteer ~~lifesaving or first aid crews, rescue squads~~ *emergency medical services agencies*, fire departments, sheltered workshops and community service organizations. Such articles and services may also be bought, sold or acquired by exchange on the open market through the participating public or private entity.

D. Revenues received from the sale of articles, as provided in subsection C, shall be deposited into a special fund established in the state treasury. Such funds shall be expended to support work programs for juveniles committed to the Department.

**2. That §§ 27-8.1, 27-19, 27-23.6, 32.1-111.10, and 32.1-111.11 of the Code of Virginia are repealed.**

**3. That the provisions of this act amending §§ 38.2-2201 and 38.2-2202 shall become effective on January 1, 2016.**