

20100908D

HOUSE BILL NO. 623

Offered January 8, 2020

Prefiled January 6, 2020

A *BILL to amend and reenact §§ 6.2-1526, 6.2-1527, 11-8, 13.1-435, 18.2-19, 18.2-49, 18.2-67.5:2, 18.2-346, 18.2-362, 18.2-363, 18.2-364, 18.2-366, 18.2-368, 18.2-417, 19.2-69, 19.2-271.1, 19.2-271.2, 19.2-305, 20-38.1, 20-40, 20-43, 20-82, 20-88.59, 20-89.1, 20-91, 20-97, 20-106, 20-146.31, 20-165, 32.1-69.1, 32.1-127, 32.1-134.01, 32.1-257, 32.1-258.1, 32.1-271, 37.2-714, 38.2-302, 38.2-2204, 38.2-2212, 38.2-4019, 58.1-322.02, 58.1-324, 58.1-326, 58.1-339.8, 58.1-341, 58.1-344.3, 58.1-344.4, 58.1-490, 58.1-499, 58.1-520, as it is currently effective and as it may become effective, 58.1-810, 58.1-3210, 58.1-3211.1, 58.1-3219.5, 58.1-3219.6, 58.1-3343, 58.1-3506.1, 58.1-3506.2, 59.1-332, 63.2-510, 63.2-1519, 64.2-200, 64.2-905, 64.2-2401, 65.2-512, and 65.2-515 of the Code of Virginia and to repeal §§ 18.2-365, 20-45.2, and 20-45.3 of the Code of Virginia, relating to gender-neutral terms; prohibitions on same-sex marriage and civil unions removed from Code; certain gender-specific crimes; penalty.*

Patrons—Simon and Levine

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 6.2-1526, 6.2-1527, 11-8, 13.1-435, 18.2-19, 18.2-49, 18.2-67.5:2, 18.2-346, 18.2-362, 18.2-363, 18.2-364, 18.2-366, 18.2-368, 18.2-417, 19.2-69, 19.2-271.1, 19.2-271.2, 19.2-305, 20-38.1, 20-40, 20-43, 20-82, 20-88.59, 20-89.1, 20-91, 20-97, 20-106, 20-146.31, 20-165, 32.1-69.1, 32.1-127, 32.1-134.01, 32.1-257, 32.1-258.1, 32.1-271, 37.2-714, 38.2-302, 38.2-2204, 38.2-2212, 38.2-4019, 58.1-322.02, 58.1-324, 58.1-326, 58.1-339.8, 58.1-341, 58.1-344.3, 58.1-344.4, 58.1-490, 58.1-499, 58.1-520, as it is currently effective and as it may become effective, 58.1-810, 58.1-3210, 58.1-3211.1, 58.1-3219.5, 58.1-3219.6, 58.1-3343, 58.1-3506.1, 58.1-3506.2, 59.1-332, 63.2-510, 63.2-1519, 64.2-200, 64.2-905, 64.2-2401, 65.2-512, and 65.2-515 of the Code of Virginia are amended and reenacted as follows:

§ 6.2-1526. Wage assignments.

A. A valid assignment or order for the payment of future salary, wages, commissions, or other compensation for services may be given as security for a loan made by any licensee, notwithstanding the provisions of any other law to the contrary.

B. No assignment of, or order for payment of, any salary, wages, commissions, or other compensation for services, earned or to be earned, given to secure any loan made by any licensee shall be valid unless:

1. The amount of the loan is paid to the borrower simultaneously with its execution; and

2. The assignment or order is in writing, signed in person by the borrower, and not by an attorney, or if the borrower is married unless it is signed in person by both ~~husband and wife~~ spouses, and not by an attorney. Written assent of a spouse shall not be required when ~~husband and wife~~ the spouses have been living separate and apart for a period of at least five months prior to the giving of the assignment or order. The provisions of this section are in addition to, and not in derogation of, the general statutes pertaining to the subject.

C. Under the assignment or order, an amount equal to not more than 10 percent of the borrower's salary, wages, commissions, or other compensation for services shall be collectible from the employer of the borrower by the licensee at the time of each payment to the borrower of the salary, wages, commission, or other compensation for services, from the time that a copy of the assignment, verified by the oath of the licensee or his agent, together with a similarly verified statement of the amount unpaid upon the loan and a printed copy of this section, is served upon the employer.

§ 6.2-1527. Liens on household furniture.

No chattel mortgage or other lien on household furniture then in the possession and use of the borrower given to secure any loan made by a licensee shall be valid unless it is in writing, signed in person by the borrower, and not by an attorney, or if the borrower is married unless it is signed in person by both ~~husband and wife~~ spouses, and not by an attorney. Written assent of a spouse shall not be required when a ~~husband and wife~~ the spouses have been living separate and apart for a period of at least five months prior to the giving of the mortgage or lien.

§ 11-8. Instruments executed by minors or surviving spouses to obtain benefits under certain federal legislation.

Any person under the age of ~~eighteen~~ 18 or ~~widow~~ surviving spouse who has not remarried who is

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59 eligible for a guaranty of credit under the provisions of Title III of an Act of Congress of the United
60 States approved June 22, 1944, entitled the "Servicemen's Readjustment Act of 1944," as now or
61 hereafter amended, or other like federal law, shall be upon complying with the terms of this section,
62 qualified to contract for and purchase any real or personal property with respect to which the guaranteed
63 loan is to be made, to execute the note or other evidence of the loan indebtedness and to secure the debt
64 by the execution of a deed of trust or chattel mortgage, or other instrument, upon the real or personal
65 property acquired as aforesaid in connection with the proposed loan or theretofore acquired by such
66 person, whether by purchase or otherwise, and such person shall, in all respects, be bound by such
67 contracts or other instruments entered into as though he ~~or she~~ were of full age.

68 When any such person is under the age of ~~eighteen~~ 18 years, no contract, note, deed of trust,
69 mortgage, or other instrument required to obtain benefits under such federal legislation shall be executed
70 by such person unless the circuit or corporation court of the city or county, or judge thereof in vacation,
71 in which the property is located or to be used, after a petition signed by any such person ~~shall have~~ *has*
72 been filed with it or him, ~~approve~~ *approves* the same. Such petition shall set forth the facts pertaining to
73 the proposed transaction and shall state why the judge or court should approve and authorize the
74 execution of the necessary instruments.

75 The petition shall be heard by the court without a jury, and its decision thereon shall be final. A
76 guardian ad litem shall be appointed who shall make an investigation and report in writing whether in
77 his opinion the best interest of the petitioner would be served by permitting the petitioner to enter into
78 such transaction, and the report shall be filed with the papers in the case. No such petition shall be
79 approved by the court unless such approval is recommended by the report of the guardian ad litem and
80 unless it is also recommended by the testimony of at least two disinterested and qualified witnesses
81 appointed by the court, or the judge thereof in vacation. The order of approval shall recite the
82 recommendation of the guardian ad litem and the witnesses and also their names and addresses. And the
83 judge of the court hearing the case shall fix a reasonable fee for the attorneys and guardians ad litem.

84 The court, if of opinion that entry into such transaction would benefit the petitioner, shall approve
85 the prayer of the petition, and the petitioner, if he ~~enter~~ *enters* into such transaction and ~~execute~~ *executes*
86 any instrument required therein, shall be bound thereby as if of full age whether all or part of the
87 obligation secured ~~be~~ *is* so guaranteed.

88 All rights ~~which~~ *that* have accrued or obligations ~~which~~ *that* have arisen under this section prior to
89 January 30, 1947, are hereby declared valid and binding.

90 If the court ~~approve~~ *approves* the prayer of the petition, such approval shall operate to vest title and
91 confer the power to encumber or convey title to real or personal property acquired pursuant to such
92 approval.

93 Any infant spouse of an infant veteran permitted by the court to make loans under this section may
94 unite in any conveyance to effectuate such a loan as if he ~~or she~~ *was* ~~were~~ a spouse of an adult signing
95 as provided under the provisions of § 55-42, relating to the removal of disability of infancy in certain
96 cases.

97 **§ 13.1-435. Corporate securities registered in joint names with right of survivorship.**

98 Whenever a security issued by a corporation organized under the laws of ~~this~~ *the* Commonwealth
99 ~~shall be~~ *is* registered in the names of two or more persons as joint tenants with right of survivorship or
100 in the names of a ~~man and a woman~~ *persons married to each other* as tenants by the entireties with
101 right of survivorship and one of such persons dies, such corporation and any transfer agent of such
102 corporation shall, upon receipt of evidence of death, be entitled to treat the survivor or survivors as the
103 owner or owners of such security for all purposes and to cause such security to be registered in the
104 name of such survivor or survivors regardless of any claim of right through the decedent or by his
105 personal representative, unless such registration ~~shall be~~ *is* enjoined prior to its effectuation by a court of
106 competent jurisdiction.

107 **§ 18.2-19. How accessories after the fact punished; certain exceptions.**

108 Every accessory after the fact is guilty of (i) a Class 6 felony in the case of a homicide offense that
109 is punishable by death or as a Class 2 felony or (ii) a Class 1 misdemeanor in the case of any other
110 felony. However, no person in the relation of ~~husband or wife~~ *spouse*, parent or grandparent, child or
111 grandchild, ~~brother or sister~~ *sibling*, by consanguinity or affinity, or servant to the offender, who, after
112 the commission of a felony, ~~shall aid~~ *aids* or ~~assist~~ *assists* a principal felon or accessory before the fact
113 to avoid or escape from prosecution or punishment, shall be deemed an accessory after the fact.

114 **§ 18.2-49. Threatening, attempting, or assisting in such abduction; penalty.**

115 Any person who (1) threatens, or attempts, to abduct any other person with intent to extort money,
116 or pecuniary benefit, ~~or~~; (2) assists or aids in the abduction of, or threatens to abduct, any person with
117 the intent to defile such person; or (3) assists or aids in the abduction of, or threatens to abduct, any
118 ~~female child~~ *under sixteen* 16 years of age for the purpose of concubinage or prostitution; ~~shall be~~ *is*
119 guilty of a Class 5 felony.

120 **§ 18.2-67.5:2. Punishment upon conviction of certain subsequent felony sexual assault.**

A. Any person convicted of (i) more than one offense specified in subsection B or (ii) one of the offenses specified in subsection B of this section and one of the offenses specified in subsection B of § 18.2-67.5:3 when such offenses were not part of a common act, transaction, or scheme, and who has been at liberty as defined in § 53.1-151 between each conviction shall, upon conviction of the second or subsequent such offense, be sentenced to the maximum term authorized by statute for such offense, and shall not have all or any part of such sentence suspended, provided *that* it is admitted, or found by the jury or judge before whom the person is tried, that he has been previously convicted of at least one of the specified offenses.

B. The provisions of subsection A shall apply to felony convictions for:

1. Carnal knowledge of a child between ~~thirteen~~ 13 and ~~fifteen~~ 15 years of age in violation of § 18.2-63 when the offense is committed by a person over the age of ~~eighteen~~ 18;

2. Carnal knowledge of certain minors in violation of § 18.2-64.1;

3. Aggravated sexual battery in violation of § 18.2-67.3;

4. Crimes against nature in violation of subsection B of § 18.2-361;

5. ~~Adultery or fornication~~ *Sexual intercourse* with one's own child or grandchild in violation of § 18.2-366;

6. Taking indecent liberties with a child in violation of § 18.2-370 or § 18.2-370.1; or

7. Conspiracy to commit any offense listed in subdivisions 1 through 6 pursuant to § 18.2-22.

C. For purposes of this section, prior convictions shall include (i) adult convictions for felonies under the laws of any state or the United States that are substantially similar to those listed in subsection B and (ii) findings of not innocent, adjudications, or convictions in the case of a juvenile if the juvenile offense is substantially similar to those listed in subsection B, the offense would be a felony if committed by an adult in the Commonwealth, and the offense was committed less than ~~twenty~~ 20 years before the second offense.

The Commonwealth shall notify the defendant in writing, at least ~~thirty~~ 30 days prior to trial, of its intention to seek punishment pursuant to this section.

§ 18.2-346. Prostitution; commercial sexual conduct; commercial exploitation of a minor; penalties.

A. Any person who, for money or its equivalent, (i) commits ~~adultery, fornication, or~~ any act in violation of § 18.2-361, performs cunnilingus, fellatio, or anilingus upon or by another person, or engages in *sexual intercourse or* anal intercourse or (ii) offers to commit ~~adultery, fornication, or~~ any act in violation of § 18.2-361, perform cunnilingus, fellatio, or anilingus upon or by another person, or engage in *sexual intercourse or* anal intercourse and thereafter does any substantial act in furtherance thereof is guilty of prostitution, which is punishable as a Class 1 misdemeanor.

B. Any person who offers money or its equivalent to another for the purpose of engaging in sexual acts as enumerated in subsection A and thereafter does any substantial act in furtherance thereof is guilty of solicitation of prostitution, which is punishable as a Class 1 misdemeanor. However, any person who solicits prostitution from a minor (i) 16 years of age or older is guilty of a Class 6 felony or (ii) younger than 16 years of age is guilty of a Class 5 felony.

§ 18.2-362. Person marrying when spouse is living; penalty; venue.

If any ~~married~~ person, ~~being married~~, shall, during the life of the ~~husband or wife~~ such person's spouse, ~~marry~~ marries another person in ~~this the~~ Commonwealth, or, if the marriage with such other person ~~take~~ takes place ~~out~~ outside of the Commonwealth, shall thereafter cohabit with such other person and the persons cohabit in ~~this the~~ Commonwealth, he ~~or she~~ shall be is guilty of a Class 4 felony. Venue for a violation of this section may be in the county or city where the subsequent marriage occurred or where the parties to the subsequent marriage cohabited.

§ 18.2-363. Leaving Commonwealth to evade law against bigamy.

If any persons, resident in ~~this the~~ Commonwealth, one of whom has a ~~husband or wife~~ living spouse, shall, with the intention of returning to reside in ~~this the~~ Commonwealth, go into another state or country and there intermarry and return to and reside in ~~this the~~ Commonwealth cohabiting as ~~man and wife~~ a married couple, such marriage shall be governed by the same law, in all respects, as if it had been solemnized in ~~this the~~ Commonwealth.

§ 18.2-364. Exceptions to §§ 18.2-362 and 18.2-363.

Sections 18.2-362 and 18.2-363 shall not extend to a person whose ~~husband or wife~~ spouse shall have been continuously absent from such person for seven years next before marriage of such person to another, and shall not have been known by such person to be living within that time; nor to a person who can show that the second marriage was contracted in good faith under a reasonable belief that the former consort was dead; nor to a person who shall, at the time of the subsequent marriage, have been divorced from the bond of the former marriage; nor to a person whose former marriage was void.

§ 18.2-366. Sexual intercourse by persons forbidden to marry; incest; penalties.

A. Any person who ~~commits adultery or fornication~~ engages in *sexual intercourse* with any person

182 whom he or she is forbidden by law to marry shall be is guilty of a Class 1 misdemeanor except as
 183 provided by subsection B.

184 B. Any person who ~~commits adultery or fornication~~ engages in sexual intercourse with his daughter
 185 or granddaughter, or with her son or grandson, or her father or his mother, shall be is guilty of a Class
 186 5 felony. However, if a parent or grandparent ~~commits adultery or fornication~~ engages in sexual
 187 intercourse with his or her child or grandchild, and such child or grandchild is at least ~~thirteen~~ 13 years
 188 of age but less than ~~eighteen~~ 18 years of age at the time of the offense, such parent or grandparent shall
 189 be is guilty of a Class 3 felony.

190 C. For the purposes of this section, parent includes ~~step-parent~~ stepparent, grandparent includes
 191 step-grandparent, child includes a ~~step-child~~ stepchild, and grandchild includes a step-grandchild.

192 **§ 18.2-368. Placing or leaving spouse for prostitution; penalty.**

193 Any person who, by force, fraud, intimidation, or threats, places or leaves or procures any other
 194 person to place or leave his wife spouse in a bawdy place for the purpose of prostitution or unlawful
 195 sexual intercourse, anal intercourse, cunnilingus, fellatio, or anilingus is guilty of pandering, punishable
 196 as a Class 4 felony.

197 **§ 18.2-417. Slander and libel.**

198 Any person who shall falsely utter and speak, or falsely write and publish, of and concerning any
 199 female person of chaste character, any words derogatory of such female's person's character for virtue
 200 and chastity, or imputing to such female person acts not virtuous and chaste, or who shall falsely utter
 201 and speak, or falsely write and publish, of and concerning another person, any words which from their
 202 usual construction and common acceptance are construed as insults and tend to violence and breach of
 203 the peace or who shall use grossly insulting language to any female person of good character or
 204 reputation, shall be is guilty of a Class 3 misdemeanor.

205 The defendant shall be entitled to prove upon trial in mitigation of the punishment, the provocation
 206 which induced the libelous or slanderous words, or any other fact or circumstance tending to disprove
 207 malice, or lessen the criminality of the offense.

208 **§ 19.2-69. Civil action for unlawful interception, disclosure, or use.**

209 Any person whose wire, electronic, or oral communication is intercepted, disclosed, or used in
 210 violation of this chapter shall (i) have a civil cause of action against any person who intercepts,
 211 discloses, or uses, or procures any other person to intercept, disclose, or use, such communications; and
 212 (ii) be entitled to recover from any such person:

213 1. Actual damages but not less than liquidated damages computed at the rate of \$400 a day for each
 214 day of violation or \$4,000, whichever is higher, provided that liquidated damages shall be computed at
 215 the rate of \$800 a day for each day of violation or \$8,000, whichever is higher, if the wire, electronic,
 216 or oral communication intercepted, disclosed, or used is between (i) a husband and wife persons married
 217 to each other; (ii) an attorney and client; (iii) a licensed practitioner of the healing arts and patient; (iv)
 218 a licensed professional counselor, licensed clinical social worker, licensed psychologist, or licensed
 219 marriage and family therapist and client; or (v) a clergy member and person seeking spiritual counsel or
 220 advice;

221 2. Punitive damages; and

222 3. A reasonable attorney's attorney fee and other litigation costs reasonably incurred.

223 A good faith reliance on a court order or legislative authorization shall constitute a complete defense
 224 to any civil or criminal action brought under this chapter or under any other law.

225 **§ 19.2-271.1. Competency of spouses to testify.**

226 Husband and wife Persons married to each other shall be competent witnesses to testify for or
 227 against each other in criminal cases, except as otherwise provided.

228 **§ 19.2-271.2. Testimony of spouses in criminal cases (Subsection (b) of Supreme Court Rule**
 229 **2:504 derived from this section).**

230 In criminal cases husband and wife, persons married to each other shall be allowed, and, subject to
 231 the rules of evidence governing other witnesses, may be compelled to testify in behalf of each other, but
 232 neither shall be compelled to be called as a witness against the other, except (i) in the case of a
 233 prosecution for an offense committed by one against the other, against a minor child of either, or against
 234 the property of either; (ii) in any case where either is charged with forgery of the name of the other or
 235 uttering or attempting to utter a writing bearing the allegedly forged signature of the other; or (iii) in
 236 any proceeding relating to a violation of the laws pertaining to criminal sexual assault (§§ 18.2-61
 237 through 18.2-67.10), crimes against nature (§ 18.2-361) involving a minor as a victim and provided that
 238 the defendant and the victim are not married to each other, incest (§ 18.2-366), or abuse of children
 239 (§§ 18.2-370 through 18.2-371). The failure of either husband or wife spouse to testify, however, shall
 240 create no presumption against the accused, nor be the subject of any comment before the court or jury
 241 by any attorney.

242 Except in the prosecution for a criminal offense as set forth in clause (i), (ii), or (iii) above, in any
 243 criminal proceeding, a person has a privilege to refuse to disclose, and to prevent anyone else from

disclosing, any confidential communication between his spouse and him during their marriage, regardless of whether he is married to that spouse at the time he objects to disclosure. For the purposes of this section, "confidential communication" means a communication made privately by a person to his spouse that is not intended for disclosure to any other person.

§ 19.2-305. Requiring fines, costs, restitution for damages, support, or community services from probationer.

A. While on probation the defendant may be required to pay in one or several sums a fine or costs, or both such fine and costs, imposed at the time of being placed on probation as a condition of such probation, and the failure of the defendant to pay such fine or costs, or both such fine and costs, at the prescribed time or times may be deemed a breach of such probation. The provisions of this subsection shall also apply to any person ordered to pay costs pursuant to § 19.2-303.3.

B. A defendant placed on probation following conviction may be required to make at least partial restitution or reparation to the aggrieved party or parties for damages or loss caused by the offense for which conviction was had, or may be required to provide for the support of his ~~wife~~ *spouse* or others for whose support he may be legally responsible, or may be required to perform community services. The defendant may submit a proposal to the court for making restitution, for providing for support, or for performing community services.

C. No defendant shall be kept under supervised probation solely because of his failure to make full payment of fines, fees, or costs, provided that, following notice by the probation and parole officer to each court and attorney for the Commonwealth in whose jurisdiction any fines, fees, or costs are owed by the defendant, no such court or attorney for the Commonwealth objects to his removal from supervised probation.

§ 20-38.1. Certain marriages prohibited.

(a) The following marriages are prohibited:

(1) 1. A marriage entered into prior to the dissolution of an earlier marriage of one of the parties;
(2) 2. A marriage between an ancestor and descendant, or between a ~~brother and a sister~~ *siblings*, whether the relationship is by the half or the whole blood or by adoption;

(3) 3. A marriage between an uncle and a ~~niece~~ or ~~between an aunt and a nephew~~ *or niece*, whether the relationship is by the half or the whole blood.

(b) ~~[Repealed.]~~

§ 20-40. Punishment for violation of such prohibition; leaving Commonwealth to avoid.

If any person marry in violation of § 20-38.1, he shall be confined in jail not exceeding six months, or fined not exceeding \$500, in the discretion of the jury. If any persons, resident in ~~this the~~ *the* Commonwealth, and within the degrees of relationship mentioned in that section, shall go out of ~~this the~~ *the* Commonwealth for the purpose of being married, and with the intention of returning, and be married out of it, and afterwards return to and reside in it, cohabiting as ~~man and wife~~ *a married couple*, they shall be punished as provided in this section, and the marriage shall be governed by the same law as if it had been solemnized in ~~this the~~ *the* Commonwealth. The fact of such cohabitation here shall be evidence of such marriage. Venue for a violation of this section may be in the county or city where the subsequent marriage occurred or where the parties to the subsequent marriage cohabited.

§ 20-43. Bigamous marriages void without decree.

All marriages ~~which that~~ are prohibited by law on account of either of the parties having a former ~~wife or husband~~ *spouse* then living shall be absolutely void, without any decree of divorce, or other legal process.

§ 20-82. Spouses competent as witnesses.

In every prosecution under this chapter ~~both husband and wife~~, *persons married to each other* shall be competent witnesses to testify against each other in all relevant matters, including the facts of such marriage, provided that neither shall be compelled to give evidence incriminating himself ~~or herself~~.

§ 20-88.59. Special rules of evidence and procedure.

A. The physical presence of a nonresident party who is an individual in a tribunal of the Commonwealth is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage of a child.

B. An affidavit, a document substantially complying with federally mandated forms, or a document incorporated by reference in any of them that would not be excluded under the hearsay rule if given in person is admissible in evidence if given under penalty of perjury by a party or witness residing outside the Commonwealth.

C. A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it and is admissible to show whether payments were made.

D. Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least 10 days before trial, are admissible in

305 evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and
306 customary.

307 E. Documentary evidence transmitted from outside the Commonwealth to a tribunal of the
308 Commonwealth by telephone, telecopier, or other electronic means that does not provide an original
309 record may not be excluded from evidence upon an objection based on the means of transmission.

310 F. In a proceeding under this chapter, a tribunal of the Commonwealth shall permit a party or
311 witness residing outside the Commonwealth to be deposed or to testify under penalty of perjury by
312 telephone, audiovisual means, or other electronic means at a designated tribunal or other location. A
313 tribunal of the Commonwealth shall cooperate with other tribunals in designating an appropriate location
314 for the deposition or testimony.

315 G. If a party called to testify at a civil hearing refuses to answer on the ground that the testimony
316 may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

317 H. A privilege against disclosure of communication between spouses does not apply in a proceeding
318 under this chapter.

319 I. The defense of immunity based on the relationship of ~~husband and wife~~ *between spouses* or of
320 parent and child does not apply in a proceeding under this chapter.

321 J. A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish
322 parentage of the child.

323 **§ 20-89.1. Suit to annul marriage.**

324 A. When a marriage is alleged to be void or voidable for any of the causes mentioned in § 20-13,
325 20-38.1, or 20-45.1 or by virtue of fraud or duress, either party may institute a suit for annulling the
326 same; and upon proof of the nullity of the marriage, it shall be decreed void by a decree of annulment.

327 B. In the case of natural or incurable impotency of body existing at the time of entering into the
328 marriage contract, or when, prior to the marriage, either party, without the knowledge of the other, had
329 been convicted of a felony, or when, at the time of the marriage, ~~the wife~~ *either spouse*, without the
330 knowledge of the ~~husband~~ *other spouse*, was with child by ~~some~~ *a* person other than the ~~husband~~, or
331 ~~where the husband, without knowledge of the wife, other spouse or had fathered~~ *conceived* a child born
332 to a ~~woman~~ *person* other than the ~~wife~~ *other spouse* within 10 months after the date of the
333 solemnization of the marriage, or where, prior to the marriage, either party had been, without the
334 knowledge of the other, a prostitute, a decree of annulment may be entered upon proof, on complaint of
335 the party aggrieved.

336 C. No annulment for a marriage alleged to be void or voidable under subsection B of § 20-45.1 or
337 subsection B of this section or by virtue of fraud or duress shall be decreed if it appears that the party
338 applying for such annulment has cohabited with the other after knowledge of the facts giving rise to
339 what otherwise would have been grounds for annulment, and in no event shall any such decree be
340 entered if the parties had been married for a period of two years prior to the institution of such suit for
341 annulment.

342 D. A party who, at the time of such marriage as is mentioned in § 20-48, was capable of consenting
343 with a party not so capable shall not be permitted to institute a suit for the purpose of annulling such
344 marriage.

345 **§ 20-91. Grounds for divorce from bond of matrimony; contents of decree.**

346 A. A divorce from the bond of matrimony may be decreed:

347 (1) For adultery; or for sodomy or buggery committed outside the marriage;

348 (2) [Repealed.]

349 (3) Where either of the parties subsequent to the marriage has been convicted of a felony, sentenced
350 to confinement for more than one year and confined for such felony subsequent to such conviction, and
351 cohabitation has not been resumed after knowledge of such confinement (in which case no pardon
352 granted to the party so sentenced shall restore such party to his ~~or her~~ conjugal rights);

353 (4), (5) [Repealed.]

354 (6) Where either party has been guilty of cruelty, caused reasonable apprehension of bodily hurt, or
355 willfully deserted or abandoned the other, such divorce may be decreed to the innocent party after a
356 period of one year from the date of such act; or

357 (7), (8) [Repealed.]

358 (9) (a) On the application of either party if and when ~~the husband and wife~~ *they* have lived separate
359 and apart without any cohabitation and without interruption for one year. In any case where the parties
360 have entered into a separation agreement and there are no minor children either born of the parties, born
361 of either party and adopted by the other or adopted by both parties, a divorce may be decreed on
362 application if and when ~~the husband and wife~~ *they* have lived separately and apart without cohabitation
363 and without interruption for six months. A plea of res adjudicata or of recrimination with respect to any
364 other provision of this section shall not be a bar to either party obtaining a divorce on this ground; nor
365 shall it be a bar that either party has been adjudged insane, either before or after such separation has
366 commenced, but at the expiration of one year or six months, whichever is applicable, from the

commencement of such separation, the grounds for divorce shall be deemed to be complete, and the committee of the insane defendant, if there be one, shall be made a party to the cause, or if there be no committee, then the court shall appoint a guardian ad litem to represent the insane defendant.

(b) This subdivision (9) shall apply whether the separation commenced prior to its enactment or shall commence thereafter. Where otherwise valid, any decree of divorce hereinbefore entered by any court having equity jurisdiction pursuant to this subdivision (9), not appealed to the Supreme Court of Virginia, is hereby declared valid according to the terms of said decree notwithstanding the insanity of a party thereto.

(c) A decree of divorce granted pursuant to this subdivision (9) shall in no way lessen any obligation any party may otherwise have to support the spouse unless such party shall prove that there exists in the favor of such party some other ground of divorce under this section or § 20-95.

B. A decree of divorce shall include each party's social security number, or other control number issued by the Department of Motor Vehicles pursuant to § 46.2-342.

§ 20-97. Domicile and residential requirements for suits for annulment, affirmance, or divorce.

No suit for annulling a marriage or for divorce shall be maintainable, unless one of the parties was at the time of the filing of the suit and had been for at least six months preceding the filing of the suit an actual bona fide resident and domiciliary of ~~this the~~ Commonwealth, nor shall any suit for affirming a marriage be maintainable, unless one of the parties be domiciled in, and is and has been an actual bona fide resident of, ~~this the~~ Commonwealth at the time of filing such suit.

For the purposes of this section only:

1. If a member of the ~~armed forces~~ *Armed Forces* of the United States has been stationed or resided in ~~this the~~ Commonwealth and has lived for a period of six months or more in ~~this the~~ Commonwealth next preceding the filing of the suit, then such person shall be presumed to be domiciled in and to have been a bona fide resident of ~~this the~~ Commonwealth during such period of time.

2. Being stationed or residing in the Commonwealth includes, but is not limited to, a member of the armed forces being stationed or residing upon a ship having its home port in ~~this the~~ Commonwealth or at an air, naval, or military base located within ~~this the~~ Commonwealth over which the United States enjoys exclusive federal jurisdiction.

3. Any member of the ~~armed forces~~ *Armed Forces* of the United States or any civilian employee of the United States, including any foreign service officer, who (i) at the time the suit is filed is, or immediately preceding such suit was, stationed in any territory or foreign country and (ii) was domiciled in the Commonwealth for the six-month period immediately preceding his being stationed in such territory or country shall be deemed to have been domiciled in and to have been a bona fide resident of the Commonwealth during the six months preceding the filing of a suit for annulment or divorce.

4. Upon separation of ~~the husband and wife~~ *a married couple*, ~~the wife~~ *either spouse* may establish ~~her~~ *his* own and separate domicile, though the separation may have been caused under such circumstances as would entitle ~~the wife~~ *such spouse* to a divorce or annulment.

§ 20-106. Testimony may be required to be given orally; evidence by affidavit.

A. In any suit for divorce, the trial court may require the whole or any part of the testimony to be given orally in open court, and if either party desires it, such testimony and the rulings of the court on the exceptions thereto, if any, shall be reduced to writing, and the judge shall certify that such evidence was given before him and such rulings made. When so certified the same shall stand on the same footing as a deposition regularly taken in the cause, provided, however, that no such oral evidence shall be given or heard unless and until after such notice to the adverse party as is required by law to be given of the taking of depositions, or when there has been no service of process within ~~this the~~ Commonwealth upon, or appearance by the defendant against whom such testimony is sought to be introduced. However, a party may proceed to take evidence in support of a divorce by deposition or affidavit without leave of court only in support of a divorce on the grounds set forth in subdivision A (9) of § 20-91, where (i) the parties have resolved all issues by a written settlement agreement, (ii) there are no issues other than the grounds of the divorce itself to be adjudicated, or (iii) the adverse party has been personally served with the complaint and has failed to file a responsive pleading or to make an appearance as required by law.

B. The affidavit of a party submitted as evidence shall be based on the personal knowledge of the affiant, contain only facts that would be admissible in court, give factual support to the grounds for divorce stated in the complaint or counterclaim, and establish that the affiant is competent to testify to the contents of the affidavit. If either party is incarcerated, neither party shall submit evidence by affidavit without leave of court or the consent in writing of the guardian ad litem for the incarcerated party, or of the incarcerated party if a guardian ad litem is not required pursuant to § 8.01-9. The affidavit shall:

1. Give factual support to the grounds for divorce stated in the complaint or counterclaim, including that the parties are over the age of 18 and not suffering from any condition that renders either party

legally incompetent;

2. Verify whether either party is incarcerated;

3. Verify the military status of the opposing party and advise whether the opposing party has filed an answer or a waiver of his rights under the federal Servicemembers Civil Relief Act (50 U.S.C. § 3901 et seq.);

4. Affirm that at least one party to the suit was at the time of the filing of the suit, and had been for a period in excess of six months immediately preceding the filing of the suit, a bona fide resident and domiciliary of the Commonwealth;

5. Affirm that the parties have lived separate and apart, continuously, without interruption and without cohabitation, and with the intent to remain separate and apart permanently, for the statutory period required by subdivision A (9) of § 20-91;

6. Affirm the affiant's desire to be awarded a divorce pursuant to subdivision A (9) of § 20-91;

7. State whether there were children born or adopted of the marriage and affirm that ~~the wife~~ *neither party* is ~~not~~ known to be pregnant from the marriage; and

8. Be accompanied by the affidavit of at least one corroborating witness, which shall:

a. Verify that the affiant is over the age of 18 and not suffering from any condition that renders him legally incompetent;

b. Verify whether either party is incarcerated;

c. Give factual support to the grounds for divorce stated in the complaint or counterclaim;

d. Verify that at least one of the parties to the suit was at the time of the filing of the suit, and had been for a period in excess of six months immediately preceding the filing of the suit, a bona fide resident and domiciliary of the Commonwealth;

e. Verify whether there were children born or adopted of the marriage and verify that ~~the wife~~ *neither party* is ~~not~~ known to be pregnant from the marriage; and

f. Verify the affiant's personal knowledge that the parties have not cohabitated since the date of separation alleged in the complaint or counterclaim and that it has been either party's intention since that date to remain separate and apart permanently.

C. If a party moves for a divorce pursuant to § 20-121.02, any affidavit may be submitted in support of the grounds for divorce set forth in subdivision A (9) of § 20-91.

D. A verified complaint shall not be deemed an affidavit for purposes of this section.

E. Either party may submit the depositions or affidavits required by this section in support of the grounds for divorce requested by either party pursuant to the terms of this section.

F. In contemplation of or in a suit for a no-fault divorce under subdivision A (9) of § 20-91, the plaintiff or his attorney may take and file, as applicable, the complaint, the affidavits or depositions, any other associated documents, and the proposed decree contemporaneously, and a divorce may be granted solely on those documents where the defendant has waived service and, where applicable, notice.

§ 20-146.31. Hearing and order.

A. Unless the court issues a temporary emergency order pursuant to § 20-146.15, upon a finding that a petitioner is entitled to immediate physical custody of the child, the court shall order that the petitioner may take immediate physical custody of the child unless the respondent establishes that:

1. The child custody determination has not been registered under § 20-146.26 and that:

a. The issuing court did not have jurisdiction under Article 2 (§ 20-146.12 et seq.) ~~of this chapter~~;

b. The child custody determination for which enforcement is sought has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under Article 2 (§ 20-146.12 et seq.) ~~of this chapter~~; or

c. The respondent was entitled to notice, but notice was not given in accordance with the standards of § 20-146.7, in the proceedings before the court that issued the order for which enforcement is sought; or

2. The child custody determination for which enforcement is sought was registered under § 20-146.26, but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under Article 2 (§ 20-146.12 et seq.) ~~of this chapter~~.

B. The court shall award the fees, costs, and expenses authorized under § 20-146.33 and may grant additional relief, including a request for the assistance of law-enforcement officials, and set a further hearing to determine whether additional relief is appropriate.

C. If a party called to testify refuses to answer on the ground that the testimony may be self-incriminating, the court may draw an adverse inference from the refusal.

D. A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship ~~of husband and wife~~ *between spouses* or *between parent and child* may not be invoked in a proceeding under this article.

§ 20-165. Surrogate brokers prohibited; penalty; liability of surrogate brokers.

A. ~~It shall be~~ *is* unlawful for any person, firm, corporation, partnership, or other entity to accept compensation for recruiting or procuring surrogates or to accept compensation for otherwise arranging or

inducing an intended parent and surrogates to enter into surrogacy contracts in this Commonwealth. A violation of this section shall be punishable as a Class 1 misdemeanor.

B. Any person who acts as a surrogate broker in violation of this section shall, in addition, be liable to all the parties to the purported surrogacy contract in a total amount equal to three times the amount of compensation to have been paid to the broker pursuant to the contract. One-half of the damages under this subsection shall be due the surrogate and her spouse, if any, and if ~~he~~ *such spouse* is a party to the contract, and one-half shall be due the intended parent.

An action under this section shall be brought within five years of the date of the contract.

C. The provisions of this section shall not apply to the services of an attorney in giving legal advice or in preparing a surrogacy contract.

§ 32.1-69.1. Virginia Congenital Anomalies Reporting and Education System.

A. In order to collect data to evaluate the possible causes of stillbirths and birth defects, improve the diagnosis and treatment of birth defects, and establish a mechanism for informing the parents of children identified as having birth defects and their physicians about the health resources available to aid such children, the Commissioner shall establish and maintain a Virginia Congenital Anomalies Reporting and Education System using data from birth and death certificates and fetal death reports filed with the State Registrar of Vital Records and data obtained from hospital medical records. The chief administrative officer of every hospital, as defined in § 32.1-123, shall make or cause to be made a report to the Commissioner of any stillbirth and any person under two years of age diagnosed as having a congenital anomaly. The Commissioner may appoint an advisory committee to assist in the design and implementation of this reporting and education system with representation from relevant groups, including, but not limited to, physicians, geneticists, personnel of appropriate state agencies, persons with disabilities, and the parents of children with disabilities.

B. The Commissioner shall provide for a secure system, which may include online data entry that protects the confidentiality of data and information for which reporting is required, to implement the Virginia Congenital Anomalies Reporting and Education System.

At a minimum, data collected shall include, but need not be limited to, the following: (i) the infant's first and last name, date of birth, gender, state of residence, birth hospital, physician's name, date of admission, date of discharge or transfer, and diagnosis; (ii) the first and last names of the infant's ~~mother and father~~ *parents*; (iii) the first and last name of the primary contact person for the infant; and (iv) data pertaining to stillbirths and birth defects reported by hospitals and derived from birth and death certificates and fetal death reports filed with the State Registrar of Vital Records and such other sources as may be authorized by the Commissioner.

The Commissioner, as he deems necessary to facilitate the follow-up of infants whose data and health record information have been entered into the system, may authorize the integration or linking of the Virginia Congenital Anomalies Reporting and Education System with other Department of Health population-based surveillance systems.

In addition, to minimize duplication and ensure accuracy during data entry, the Commissioner may authorize hospitals required to report stillbirth and birth defect data to the system to view such existing data and information as may be designated by the Commissioner.

With the assistance of the advisory committee, the Board shall promulgate such regulations as may be necessary to implement this reporting and education system.

C. As used in this section, "stillbirth" means an unintended, intrauterine fetal death occurring after a gestational period of 20 weeks.

§ 32.1-127. Regulations.

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities. For purposes of this paragraph, facilities in which five or more first trimester abortions per month are performed shall be classified as a category of "hospital";

551 2. Shall provide that at least one physician who is licensed to practice medicine in this
552 Commonwealth shall be on call at all times, though not necessarily physically present on the premises,
553 at each hospital which operates or holds itself out as operating an emergency service;

554 3. May classify hospitals and nursing homes by type of specialty or service and may provide for
555 licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

556 4. Shall also require that each hospital establish a protocol for organ donation, in compliance with
557 federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly
558 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization
559 designated in CMS regulations for routine contact, whereby the provider's designated organ procurement
560 organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of
561 patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for
562 organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in
563 Virginia certified by the Eye Bank Association of America or the American Association of Tissue
564 Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least
565 one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage,
566 and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential
567 donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital
568 collaborates with the designated organ procurement organization to inform the family of each potential
569 donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making
570 contact with the family shall have completed a course in the methodology for approaching potential
571 donor families and requesting organ or tissue donation that (a) is offered or approved by the organ
572 procurement organization and designed in conjunction with the tissue and eye bank community and (b)
573 encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the
574 relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement
575 organization in educating the staff responsible for contacting the organ procurement organization's
576 personnel on donation issues, the proper review of death records to improve identification of potential
577 donors, and the proper procedures for maintaining potential donors while necessary testing and
578 placement of potential donated organs, tissues, and eyes takes place. This process shall be followed,
579 without exception, unless the family of the relevant decedent or patient has expressed opposition to
580 organ donation, the chief administrative officer of the hospital or his designee knows of such opposition,
581 and no donor card or other relevant document, such as an advance directive, can be found;

582 5. Shall require that each hospital that provides obstetrical services establish a protocol for admission
583 or transfer of any pregnant woman who presents herself while in labor;

584 6. Shall also require that each licensed hospital develop and implement a protocol requiring written
585 discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall
586 require that the discharge plan be discussed with the patient and that appropriate referrals for the mother
587 and the infant be made and documented. Appropriate referrals may include, but need not be limited to,
588 treatment services, comprehensive early intervention services for infants and toddlers with disabilities
589 and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C.
590 § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to
591 the extent possible, the ~~father~~ other parent of the infant and any members of the patient's extended
592 family who may participate in the follow-up care for the mother and the infant. Immediately upon
593 identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall
594 notify, subject to federal law restrictions, the community services board of the jurisdiction in which the
595 woman resides to appoint a discharge plan manager. The community services board shall implement and
596 manage the discharge plan;

597 7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant
598 for admission the home's or facility's admissions policies, including any preferences given;

599 8. Shall require that each licensed hospital establish a protocol relating to the rights and
600 responsibilities of patients, which shall include a process reasonably designed to inform patients of such
601 rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to
602 patients on admission, shall be consistent with applicable federal law and regulations of the Centers for
603 Medicare and Medicaid Services;

604 9. Shall establish standards and maintain a process for designation of levels or categories of care in
605 neonatal services according to an applicable national or state-developed evaluation system. Such
606 standards may be differentiated for various levels or categories of care and may include, but need not be
607 limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

608 10. Shall require that each nursing home and certified nursing facility train all employees who are
609 mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting
610 procedures and the consequences for failing to make a required report;

611 11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or
612 hospital policies and procedures, to accept emergency telephone and other verbal orders for medication

or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration or reregistration of any sex offender within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is a registered sex offender, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility. No family member of a resident or other resident representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of \$1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license;

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.);

20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that requires, for any refusal to admit (i) a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by such referring physician, and prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician and (ii) a patient for whom there is a question regarding the medical stability or medical appropriateness of admission for inpatient psychiatric services due to a situation involving results of a toxicology screening, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal communication, either in person or via telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists, if requested by the referring physician;

21. Shall require that each hospital that is equipped to provide life-sustaining treatment shall develop a policy governing determination of the medical and ethical appropriateness of proposed medical care, which shall include (i) a process for obtaining a second opinion regarding the medical and ethical

appropriateness of proposed medical care in cases in which a physician has determined proposed care to be medically or ethically inappropriate; (ii) provisions for review of the determination that proposed medical care is medically or ethically inappropriate by an interdisciplinary medical review committee and a determination by the interdisciplinary medical review committee regarding the medical and ethical appropriateness of the proposed health care; and (iii) requirements for a written explanation of the decision reached by the interdisciplinary medical review committee, which shall be included in the patient's medical record. Such policy shall ensure that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 (a) are informed of the patient's right to obtain his medical record and to obtain an independent medical opinion and (b) afforded reasonable opportunity to participate in the medical review committee meeting. Nothing in such policy shall prevent the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 from obtaining legal counsel to represent the patient or from seeking other remedies available at law, including seeking court review, provided that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986, or legal counsel provides written notice to the chief executive officer of the hospital within 14 days of the date on which the physician's determination that proposed medical treatment is medically or ethically inappropriate is documented in the patient's medical record;

22. Shall require every hospital with an emergency department to establish protocols to ensure that security personnel of the emergency department, if any, receive training appropriate to the populations served by the emergency department, which may include training based on a trauma-informed approach in identifying and safely addressing situations involving patients or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis;

23. Shall require that each hospital establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition as defined in 42 U.S.C. § 1395dd(e)(1), the hospital shall provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan; and

24. Shall establish an exemption, for a period of no more than 30 days, from the requirement to obtain a license to add temporary beds in an existing hospital or nursing home when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds.

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot ~~which~~ *that* is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

§ 32.1-134.01. Certain information required for maternity patients.

Every licensed nurse midwife, licensed midwife, or hospital providing maternity care shall, prior to releasing each maternity patient, make available to such patient and, if present, to the ~~father~~ *other parent* of the infant and other relevant family members or caretakers, information about the incidence of postpartum blues, perinatal depression, and perinatal anxiety; information to increase awareness of shaken baby syndrome and the dangers of shaking infants; and information about safe sleep environments for infants that is consistent with current information available from the American Academy of Pediatrics. This information shall be discussed with the maternity patient and the ~~father~~ *other parent* of the infant and other relevant family members or caretakers who are present at discharge.

§ 32.1-257. Filing birth certificates; from whom required; signatures of parents.

A. A certificate of birth for each live birth ~~which that~~ occurs in ~~this the~~ Commonwealth shall be filed with the State Registrar within seven days after such birth. The certificate of birth shall be registered by the State Registrar if it has been completed and filed in accordance with this section.

B. When a birth occurs in an institution or en route thereto, the person in charge of such institution or an authorized designee shall obtain the personal data, and prepare the certificate either on forms furnished by the State Registrar or by an electronic process as approved by the Board. Such person or designee shall, if submitting a form, secure the signatures required by the certificate. The physician or

other person in attendance shall provide the medical information required by the certificate within five days after the birth. The person in charge of the institution or an authorized designee shall certify to the authenticity of the birth registration either by affixing his signature to the certificate or by an electronic process approved by the Board, and shall file the certificate of birth with the State Registrar within seven days after such birth.

C. When a birth occurs outside an institution, the certificate shall be prepared on forms furnished by the State Registrar and filed by one of the following in the indicated order of priority, in accordance with the regulations of the Board:

1. The physician in attendance at or immediately after the birth, or in the absence of such physician,
2. Any other person in attendance at or immediately after the birth, or in the absence of such a person,

3. The ~~father~~, the mother, *the other parent*, or, in the absence of the ~~father~~ *other parent* and the inability of the mother, the person in charge of the premises where the birth occurred.

C1. When a birth occurs on a moving conveyance within the United States of America and the child is first removed from the conveyance in this Commonwealth, the birth shall be registered in this Commonwealth and the place where the child is first removed from the conveyance shall be considered the place of birth. When a birth occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the child is first removed from the conveyance in this Commonwealth, the birth shall be registered in this Commonwealth although the certificate shall indicate the actual place of birth insofar as can be determined.

D. If the mother of a child is not married to the natural father of the child at the time of birth or was not married to the natural father at any time during the ~~ten~~ 10 months next preceding such birth, the name of the father shall not be entered on the certificate of birth without a sworn acknowledgment of paternity, executed subsequent to the birth of the child, of both the mother and of the person to be named as the father. In any case in which a final determination of the paternity of a child has been made by a court of competent jurisdiction pursuant to § 20-49.8, from which no appeal has been taken and for which the time allowed to perfect an appeal has expired, the name of the father and the surname of the child shall be entered on the certificate of birth in accordance with the finding and order of the court.

Children born of marriages prohibited by law, deemed null or void, or dissolved by a court shall nevertheless be legitimate and the birth certificate for such children shall contain full information concerning the ~~father~~ *other parent*.

For the purpose of birth registration in the case of a child resulting from assisted conception, pursuant to Chapter 9 (§ 20-156 et seq.) of Title 20, the birth certificate of such child shall contain full information concerning the mother's ~~husband~~ *spouse* as the ~~father~~ *other parent* of the child and the gestational mother as the mother of the child. Donors of sperm or ova shall not have any parental rights or duties for any such child.

In the event *that* any person desires to have the name of the father entered on the certificate of birth based upon the judgment of paternity of a court of another state, such person shall apply to an appropriate court of the Commonwealth for an order reflecting that such court has reviewed such judgment of paternity and has determined that such judgment of paternity was amply supported in evidence and legitimate for the purposes of Article IV, Section 1 of the ~~United States~~ *Constitution of the United States*.

If the order of paternity should be appealed, the registrar shall not enter the name of the alleged father on the certificate of birth during the pendency of such appeal. If the father is not named on the certificate of birth, no other information concerning the father shall be entered on the certificate.

E. Either of the parents of the child shall verify the accuracy of the personal data to be entered on the certificate of birth in time to permit the filing within the seven days prescribed above.

§ 32.1-258.1. Certificate of Birth Resulting in Stillbirth; requirements.

Upon the request of either individual listed as the ~~mother or father~~ *parent* on a report of fetal death in the Commonwealth as defined in § 32.1-264, the State Registrar shall issue a Certificate of Birth Resulting in Stillbirth for unintended, intrauterine fetal deaths occurring after a gestational period of 20 weeks or more. The requesting ~~mother or father~~ *parent* may, but shall not be required to, provide a name for the stillborn child on the Certificate of Birth Resulting in Stillbirth. The Board of Health shall prescribe a reasonable fee to cover the administrative cost and preparation of such certificate. This section shall apply retroactively to any circumstances that would have resulted in the issuance of a Certificate of Birth Resulting in Stillbirth, as prescribed by the Board.

§ 32.1-271. Disclosure of information in records; when unlawful; when permitted; proceeding to compel disclosure; when certain records made public.

A. To protect the integrity of vital records and to ensure the efficient and proper administration of the system of vital records, it ~~shall be~~ *is* unlawful, notwithstanding the provisions of §§ 2.2-3700

797 through 2.2-3714, for any person to permit inspection of or to disclose information contained in vital
798 records or to copy or issue a copy of all or part of any such vital records except as authorized by this
799 section or regulation of the Board or when so ordered by a court of the Commonwealth.

800 B. Data contained in vital records may be disclosed for valid and substantial research purposes in
801 accordance with the regulations of the Board.

802 C. Any person aggrieved by a decision of a county or city registrar may appeal to the State
803 Registrar. If the State Registrar denies disclosure of information or inspection of or copying of vital
804 records, such person may petition the court of the county or city in which he resides if he resides in the
805 Commonwealth or in which the recorded event occurred or the Circuit Court of the City of Richmond,
806 Division I, for an order compelling disclosure, inspection or copying of such vital record. The State
807 Registrar or his authorized representative may appear and testify in such proceeding.

808 D. When 100 years have elapsed after the date of birth, or 25 years have elapsed after the date of
809 death, marriage, divorce, or annulment the records of these events in the custody of the State Registrar
810 shall, unless precluded from release by statute or court order, or at law-enforcement request, become
811 public information and be made available in accordance with regulations that shall provide for the
812 continued safekeeping of the records. All records that are public information on July 1, 1983, shall
813 continue to be public information. Original records in the custody of the State Registrar that become
814 public information shall be turned over to the Library of Virginia for safekeeping and for public access
815 consistent with other state archival records, subject to the State Registrar and the Library of Virginia
816 entering into a memorandum of understanding to arrange for continued prompt access by the State
817 Registrar to original records for purposes of amendments to those records or other working purposes.
818 The State Registrar's office may retain copies thereof for its own administrative and disclosure purposes.

819 E. The State Registrar or the city or county registrar shall disclose data about or issue a certified
820 copy of a birth certificate of a child to the grandparent of the child upon the written request of the
821 grandparent when the grandparent has demonstrated to the State Registrar evidence of need, as
822 prescribed by Board regulation, for the data or birth certificate.

823 F. The State Registrar or the city or county registrar shall issue a certified copy of a death certificate
824 to the grandchild or great-grandchild of a decedent in accordance with procedures prescribed by the
825 Board in regulation.

826 G. The State Registrar or the city or county registrar shall disclose data about or issue a certified
827 copy of a death certificate to a nonprofit organ, eye or tissue procurement organization that is a member
828 of the Virginia Transplant Council for the purpose of determining the suitability of organs, eyes and
829 tissues for donation, as prescribed by the Board in regulations. Such regulations shall ensure that the
830 information disclosed includes the cause of death and any other medical information necessary to
831 determine the suitability of the organs, eyes, and tissues for donation.

832 H. The State Registrar shall seek to enter into a long-term contract with a private company
833 experienced in maintaining genealogical research databases to create, maintain, and update such an
834 online index at no direct cost to the Commonwealth, in exchange for allowing the private company to
835 also provide such index to its subscribers and customers. The online index shall be designed and
836 constructed to have the capability of allowing birth, marriage, divorce, and death entries on the index to
837 be linked to a digital image of the underlying original birth, marriage, divorce, or death record once any
838 such underlying record has become public information, and the index shall be designed to allow the
839 Library of Virginia to create and activate such links to digital images of the original records. Any social
840 security numbers appearing on original birth, marriage, divorce, or death records shall be redacted from
841 the digital images provided to the public in the manner provided by law, which may include bulk
842 redaction of social security fields from the images via automated methods.

843 Following contract implementation, the State Registrar shall maintain a publicly available online vital
844 records index or indexes, consisting at a minimum of name, date, and county or city of occurrence for
845 births (naming the child), marriages (naming the ~~bride and groom~~ spouses), divorces (naming the parties
846 to the divorce), and deaths (naming the decedent), which vital records index information, except as
847 otherwise precluded from release by statute, court order, or law-enforcement request, shall be public
848 information from the time of its receipt by the State Registrar and shall be accessible on the State
849 Registrar's website and on or through the Library of Virginia website.

850 **§ 37.2-714. Children born in state facilities.**

851 Any child born in a state facility shall be deemed a resident of the county or city in which the
852 mother resided at the time of her admission. The child shall be removed from the state facility as soon
853 after birth as the health and well-being of the child permit and shall be delivered to his ~~father~~ other
854 parent or other member of his family. If he is unable to effect the child's removal as herein provided,
855 the director of the state facility shall cause the filing of a petition in the juvenile and domestic relations
856 district court of the county or city in which the child is present, requesting adjudication of the care and
857 custody of the child under the provisions of § 16.1-278.3. If the mother has received services in a state
858 facility continuously for 10 months, the Department of Social Services shall have financial responsibility

for the care of the child, and the custody of the child shall be determined in accordance with the provisions of § 16.1-278.3. The judge of such court shall take appropriate action to effect prompt removal of the child from the state facility.

§ 38.2-302. Life, accident, and sickness insurance; application required.

A. No contract of insurance upon a person shall be made or effectuated unless at the time of the making of the contract the individual insured, being of lawful age and competent to contract for the insurance contract, (i) applies for insurance; or (ii) consents in writing to the insurance contract. However:

1. ~~A wife or husband~~ *Either spouse* may effect an insurance contract upon each other;

2. Any person having an insurable interest in the life of a minor, or any person upon whom a minor is dependent for support and maintenance, may effect an insurance contract upon the life of or pertaining to the minor; or

3. A corporate employer or an employee benefit trust having the insurable interest described in subdivision B 3 of subsection B of § 38.2-301, may effect an insurance contract upon the lives of such employees, provided that the employer or trust provides the employee with notice in writing that such insurance has been purchased, the amount of such coverage, and to whom benefits are payable in the event of the employee's death.

B. Nothing in this section shall prohibit a minor from obtaining insurance on his own life as authorized in § 38.2-3105.

§ 38.2-2204. Liability insurance on motor vehicles, aircraft, and watercraft; standard provisions; "omnibus clause."

A. No policy or contract of bodily injury or property damage liability insurance, covering liability arising from the ownership, maintenance, or use of any motor vehicle, aircraft, or private pleasure watercraft, shall be issued or delivered in ~~this the~~ Commonwealth to the owner of such vehicle, aircraft, or watercraft, or shall be issued or delivered by any insurer licensed in ~~this the~~ Commonwealth upon any motor vehicle, aircraft, or private pleasure watercraft that is principally garaged, docked, or used in ~~this the~~ Commonwealth, unless the policy contains a provision insuring the named insured, and any other person using or responsible for the use of the motor vehicle, aircraft, or private pleasure watercraft with the expressed or implied consent of the named insured, against liability for death or injury sustained, or loss or damage incurred within the coverage of the policy or contract as a result of negligence in the operation or use of such vehicle, aircraft, or watercraft by the named insured or by any such person; however, nothing contained in this section shall be deemed to prohibit an insurer from limiting its liability under any one policy for bodily injury or property damage resulting from any one accident or occurrence to the liability limits for such coverage set forth in the policy for any such accident or occurrence or for any one person, regardless of the number of insureds under that policy. Provided that, when one accident or occurrence involves more than one defendant who is covered by the policy, the plaintiff may recover the per person limit of the policy against each such defendant, subject to the per accident or occurrence limit of the policy. Each such policy or contract of liability insurance, or endorsement to the policy or contract, insuring private passenger automobiles, aircraft, or private pleasure watercraft principally garaged, docked, or used in ~~this the~~ Commonwealth, that has as the named insured an individual or ~~husband and wife~~ *spouses* and that includes, with respect to any liability insurance provided by the policy, contract, or endorsement for use of a nonowned automobile, aircraft, or private pleasure watercraft, any provision requiring permission or consent of the owner of such automobile, aircraft, or private pleasure watercraft for the insurance to apply, shall be construed to include permission or consent of the custodian in the provision requiring permission or consent of the owner.

B. Notwithstanding any requirements in this section to the contrary, an insurer may exclude any person from coverage under a personal umbrella or excess policy, if the exclusion is requested in writing by the first named insured and is acknowledged in writing by the excluded driver.

C. For aircraft liability insurance, such policy or contract may contain the exclusions listed in § 38.2-2227. Notwithstanding the provisions of this section or any other provisions of law, no policy or contract shall require pilot experience greater than that prescribed by the Federal Aviation Administration, except for pilots operating air taxis, or pilots operating aircraft applying chemicals, seed, or fertilizer.

D. No policy or contract of bodily injury or property damage liability insurance relating to the ownership, maintenance, or use of a motor vehicle shall be issued or delivered in ~~this the~~ Commonwealth to the owner of such vehicle or shall be issued or delivered by an insurer licensed in ~~this the~~ Commonwealth upon any motor vehicle principally garaged or used in ~~this the~~ Commonwealth without an endorsement or provision insuring the named insured, and any other person using or responsible for the use of the motor vehicle with the expressed or implied consent of the named insured, against liability for death or injury sustained, or loss or damage incurred within the coverage of the

920 policy or contract as a result of negligence in the operation or use of the motor vehicle by the named
921 insured or by any other such person; however, nothing contained in this section shall be deemed to
922 prohibit an insurer from limiting its liability under any one policy for bodily injury or property damage
923 resulting from any one accident or occurrence to the liability limits for such coverage set forth in the
924 policy for any such accident or occurrence or for any one person regardless of the number of insureds
925 under that policy. Provided that, when one accident or occurrence involves more than one defendant
926 who is covered by the policy, the plaintiff may recover the per person limit of the policy against each
927 such defendant, subject to the per accident or occurrence limit of the policy. This provision shall apply
928 notwithstanding the failure or refusal of the named insured or such other person to cooperate with the
929 insurer under the terms of the policy. If the failure or refusal to cooperate prejudices the insurer in the
930 defense of an action for damages arising from the operation or use of such insured motor vehicle, then
931 the endorsement or provision shall be void. If an insurer has actual notice of a motion for judgment or
932 complaint having been served on an insured, the mere failure of the insured to turn the motion or
933 complaint over to the insurer shall not be a defense to the insurer, nor void the endorsement or
934 provision, nor in any way relieve the insurer of its obligations to the insured, provided the insured
935 otherwise cooperates and in no way prejudices the insurer.

936 Where the insurer has elected to provide a defense to its insured under such circumstances and files
937 responsive pleadings in the name of its insured, the insured shall not be subject to sanctions for failure
938 to comply with discovery pursuant to Part Four of the Rules of the Supreme Court of Virginia unless it
939 can be shown that the suit papers actually reached the insured, and that the insurer has failed after
940 exercising due diligence to locate its insured, and as long as the insurer provides such information in
941 response to discovery as it can without the assistance of the insured.

942 E. Any endorsement, provision or rider attached to or included in any such policy of insurance which
943 purports or seeks to limit or reduce the coverage afforded by the provisions required by this section
944 shall be void, except an insurer may exclude such coverage as is afforded by this section, where such
945 coverage would inure to the benefit of the United States Government or any agency or subdivision
946 thereof under the provisions of the Federal Tort Claims Act, the Federal Drivers Act and Public Law
947 86-654 District of Columbia Employee Non-Liability Act, or to the benefit of the Commonwealth under
948 the provisions of the Virginia Tort Claims Act (§ 8.01-195.1 et seq.) and the self-insurance plan
949 established by the Department of General Services pursuant to § 2.2-1837 for any state employee who,
950 in the regular course of his employment, transports patients in his own personal vehicle.

951 **§ 38.2-2212. Grounds and procedure for cancellation of or refusal to renew motor vehicle**
952 **insurance policies; review by Commissioner.**

953 A. The following definitions shall apply to *As used in this section:*

954 "Cancellation" or "to cancel" means a termination of a policy during the policy period.

955 "Insurer" means any insurance company, association, or exchange licensed to transact motor vehicle
956 insurance in ~~this~~ the Commonwealth.

957 "Policy of motor vehicle insurance" or "policy" means a policy or contract for bodily injury or
958 property damage liability insurance issued or delivered in this Commonwealth covering liability arising
959 from the ownership, maintenance, or use of any motor vehicle, insuring as the named insured one
960 individual or ~~husband and wife~~ spouses who are residents of the same household, and under which the
961 insured vehicle designated in the policy is either:

962 a. A motor vehicle of a private passenger, station wagon, or motorcycle type that is not used
963 commercially, rented to others, or used as a public or livery conveyance where the term "public or
964 livery conveyance" does not include car pools, or

965 b. Any other four-wheel motor vehicle which is not used in the occupation, profession, or business,
966 other than farming, of the insured, or as a public or livery conveyance, or rented to others. The term
967 "policy of motor vehicle insurance" or "policy" does not include (i) any policy issued through the
968 Virginia Automobile Insurance Plan, (ii) any policy covering the operation of a garage, sales agency,
969 repair shop, service station, or public parking place, (iii) any policy providing insurance only on an
970 excess basis, or (iv) any other contract providing insurance to the named insured even though the
971 contract may incidentally provide insurance on motor vehicles.

972 "Renewal" or "to renew" means (i) the issuance and delivery by an insurer of a policy superseding at
973 the end of the policy period a policy previously issued and delivered by the same insurer, providing
974 types and limits of coverage at least equal to those contained in the policy being superseded, or (ii) the
975 issuance and delivery of a certificate or notice extending the term of a policy beyond its policy period
976 or term with types and limits of coverage at least equal to those contained in the policy. Each renewal
977 shall conform with the requirements of the manual rules and rating program currently filed by the
978 insurer with the Commission. Except as provided in subsection K, any policy with a policy period or
979 term of less than 12 months or any policy with no fixed expiration date shall for the purpose of this
980 section be considered as if written for successive policy periods or terms of six months from the original
981 effective date.

B. This section shall apply only to that portion of a policy of motor vehicle insurance providing the coverage required by §§ 38.2-2204, 38.2-2205, and 38.2-2206.

C. 1. No insurer shall refuse to renew a motor vehicle insurance policy solely because of any one or more of the following factors:

- a. Age;
- b. Sex;
- c. Residence;
- d. Race;
- e. Color;
- f. Creed;
- g. National origin;
- h. Ancestry;
- i. Marital status;
- j. Lawful occupation, including the military service;
- k. Lack of driving experience, or number of years driving experience;
- l. Lack of supporting business or lack of the potential for acquiring such business;
- m. One or more accidents or violations that occurred more than 48 months immediately preceding the upcoming anniversary date;
- n. One or more claims submitted under the uninsured motorists coverage of the policy where the uninsured motorist is known or there is physical evidence of contact;
- o. A single claim by a single insured submitted under the medical expense coverage due to an accident for which the insured was neither wholly nor partially at fault;
- p. One or more claims submitted under the comprehensive or towing coverages. However, nothing in this section shall prohibit an insurer from modifying or refusing to renew the comprehensive or towing coverages at the time of renewal of the policy on the basis of one or more claims submitted by an insured under those coverages, provided that the insurer shall mail or deliver to the insured at the address shown in the policy, or deliver electronically to the address provided by the named insured, written notice of any such change in coverage at least 45 days prior to the renewal;
- q. Two or fewer motor vehicle accidents within a three-year period unless the accident was caused either wholly or partially by the named insured, a resident of the same household, or other customary operator;
- r. Credit information contained in a "consumer report," as defined in the federal Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq., bearing on a natural person's creditworthiness, credit standing or credit capacity. If credit information is used, in part, as the basis for the nonrenewal, such credit information shall be based on a consumer report procured within 120 days from the effective date of the nonrenewal. The provisions of this subdivision shall apply only to insurance purchased primarily for personal, family, or household purposes;
- s. The refusal of a motor vehicle owner as defined in § 46.2-1088.6 to provide access to recorded data from a recording device as defined in § 46.2-1088.6; or
- t. The status of the person as a foster care provider or a person in foster care.

2. Nothing in this section shall require any insurer to renew a policy for an insured where the insured's occupation has changed so as to materially increase the risk. Nothing contained in subdivisions 1 n, o, and p shall prohibit an insurer from refusing to renew a policy where a claim is false or fraudulent. Nothing in this section prohibits any insurer from setting rates in accordance with relevant actuarial data.

D. No insurer shall cancel a policy except for one or more of the following reasons:

1. The named insured or any other operator who either resides in the same household or customarily operates a motor vehicle insured under the policy has had his driver's license suspended or revoked during the policy period or, if the policy is a renewal, during its policy period or the 90 days immediately preceding the last effective date.

2. The named insured fails to pay the premium for the policy or any installment of the premium, whether payable to the insurer or its agent either directly or indirectly under any premium finance plan or extension of credit.

3. The named insured or his duly constituted attorney-in-fact has notified the insurer of a change in the insured's legal residence to a state other than Virginia and the insured vehicle will be principally garaged in the new state of legal residence.

E. No cancellation or refusal to renew by an insurer of a policy of motor vehicle insurance shall be effective unless the insurer delivers or mails to the named insured at the address shown in the policy a written notice of the cancellation or refusal to renew, or the insurer delivers such notice electronically to the address provided by the named insured. The notice shall:

- 1. Be in a type size authorized under § 38.2-311.

1043 2. State the effective date of the cancellation or refusal to renew. The effective date of cancellation
1044 or refusal to renew shall be at least 45 days after mailing or delivering to the insured the notice of
1045 cancellation or notice of refusal to renew. However, when the policy is being canceled or not renewed
1046 for the reason set forth in subdivision D 2 the effective date may be less than 45 days but at least 15
1047 days from the date of mailing or delivery.

1048 3. State the specific reason of the insurer for cancellation or refusal to renew and provide for the
1049 notification required by §§ 38.2-608, 38.2-609, and subsection B of § 38.2-610. However, those
1050 notification requirements shall not apply when the policy is being canceled or not renewed for the
1051 reason set forth in subdivision D 2.

1052 4. Inform the insured of his right to request in writing within 15 days of the receipt of the notice that
1053 the Commissioner review the action of the insurer.

1054 The notice of cancellation or refusal to renew shall contain the following statement to inform the
1055 insured of such right:

1056 **IMPORTANT NOTICE**

1057 Within 15 days of receiving this notice, you or your attorney may request in writing that the
1058 Commissioner of Insurance review this action to determine whether the insurer has complied with
1059 Virginia laws in canceling or nonrenewing your policy. If this insurer has failed to comply with the
1060 cancellation or nonrenewal laws, the Commissioner may require that your policy be reinstated. However,
1061 the Commissioner is prohibited from making underwriting judgments. If this insurer has complied with
1062 the cancellation or nonrenewal laws, the Commissioner does not have the authority to overturn this
1063 action.

1064 5. Inform the insured of the possible availability of other insurance which may be obtained through
1065 his agent, through another insurer, or through the Virginia Automobile Insurance Plan.

1066 6. If sent by mail or delivered electronically, comply with the provisions of § 38.2-2208.

1067 Nothing in this subsection prohibits any insurer or agent from including in the notice of cancellation
1068 or refusal to renew, any additional disclosure statements required by state or federal laws, or any
1069 additional information relating to the availability of other insurance.

1070 F. Nothing in this section shall apply:

1071 1. If the insurer or its agent acting on behalf of the insurer has manifested its willingness to renew
1072 by issuing or offering to issue a renewal policy, certificate, or other evidence of renewal, or has
1073 manifested its willingness to renew in writing to the insured. The written manifestation shall include the
1074 name of a proposed insurer, the expiration date of the policy, the type of insurance coverage, and
1075 information regarding the estimated renewal premium. The insurer shall retain a copy of each written
1076 manifestation for a period of at least one year from the expiration date of any policy that is not
1077 renewed;

1078 2. If the named insured, or his duly constituted attorney-in-fact, has notified the insurer or its agent
1079 orally, or in writing, if the insurer requires such notification to be in writing, that he wishes the policy
1080 to be canceled or that he does not wish the policy to be renewed, or if prior to the date of expiration he
1081 fails to accept the offer of the insurer to renew the policy;

1082 3. To any motor vehicle insurance policy which has been in effect less than 60 days when the
1083 termination notice is mailed or delivered to the insured, unless it is a renewal policy; or

1084 4. If an affiliated insurer has manifested its willingness to provide coverage at a lower premium than
1085 would have been charged for the same exposures on the expiring policy. The affiliated insurer shall
1086 manifest its willingness to provide coverage by issuing a policy with the types and limits of coverage at
1087 least equal to those contained in the expiring policy unless the named insured has requested a change in
1088 coverage or limits. When such offer is made by an affiliated insurer, an offer of renewal shall not be
1089 required of the insurer of the expiring policy, and the policy issued by the affiliated insurer shall be
1090 deemed to be a renewal policy.

1091 G. There shall be no liability on the part of and no cause of action of any nature shall arise against
1092 the Commissioner or his subordinates; any insurer, its authorized representatives, its agents, or its
1093 employees; or any person furnishing to the insurer information as to reasons for cancellation or refusal
1094 to renew, for any statement made by any of them in complying with this section or for providing
1095 information pertaining to the cancellation or refusal to renew. For the purposes of this section, no
1096 insurer shall be required to furnish a notice of cancellation or refusal to renew to anyone other than the
1097 named insured, any person designated by the named insured, or any other person to whom such notice
1098 is required to be given by the terms of the policy and the Commissioner.

1099 H. Within 15 days of receipt of the notice of cancellation or refusal to renew, any insured or his
1100 attorney shall be entitled to request in writing to the Commissioner that he review the action of the
1101 insurer in canceling or refusing to renew the policy of the insured. Upon receipt of the request, the
1102 Commissioner shall promptly begin a review to determine whether the insurer's cancellation or refusal to
1103 renew complies with the requirements of this section and of § 38.2-2208 if the notice was sent by mail
1104 or delivered electronically. The policy shall remain in full force and effect during the pendency of the

review by the Commissioner except where the cancellation or refusal to renew is for the reason set forth in subdivision D 2, in which case the policy shall terminate as of the effective date stated in the notice. Where the Commissioner finds from the review that the cancellation or refusal to renew has not complied with the requirements of this section or of § 38.2-2208, he shall immediately notify the insurer, the insured and any other person to whom such notice was required to be given by the terms of the policy that the cancellation or refusal to renew is not effective. Nothing in this section authorizes the Commissioner to substitute his judgment as to underwriting for that of the insurer. Where the Commissioner finds in favor of the insured, the Commission in its discretion may award the insured reasonable ~~attorneys'~~ attorney fees.

I. Each insurer shall maintain for at least one year, records of cancellation and refusal to renew and copies of every notice or statement referred to in subsection E that it sends to any of its insureds.

J. The provisions of this section shall not apply to any insurer that limits the issuance of policies of motor vehicle liability insurance to one class or group of persons engaged in any one particular profession, trade, occupation, or business. Nothing in this section requires an insurer to renew a policy of motor vehicle insurance if the insured does not conform to the occupational or membership requirements of an insurer who limits its writings to an occupation or membership of an organization. No insurer is required to renew a policy if the insured becomes a nonresident of Virginia.

K. Notwithstanding any other provision of this section, a motor vehicle insurance policy with a policy period or term of five months or less may expire at its expiration date when the insurer has manifested in writing its willingness to renew the policy for at least 30 days and has mailed or delivered the written manifestation to the insured at least 15 days before the expiration date of the policy. The written manifestation shall include the name of the proposed insurer, the expiration date of the policy, the type of insurance coverage, and the estimated renewal premium. The insurer shall retain a copy of the written manifestation for at least one year from the expiration date of any policy that is not renewed.

§ 38.2-4019. Beneficiaries.

No person other than a ~~wife, husband~~ spouse, relative by blood to the fourth degree, ~~father-in-law, mother-in-law~~ parent-in-law, ~~son-in-law, daughter-in-law~~ child-in-law, ~~stepfather, stepmother~~ stepparent, stepchild, or child by legal adoption of the member, or one who is dependent upon the member or one who has an insurable interest in the life of the member as described in § 38.2-301, shall be named a beneficiary of the member's certificate. Within the above limitations, each member shall have the right to designate his beneficiary and to change his beneficiary, upon due notice to the society. If the beneficiary is not living or if no allowable beneficiary has been designated, any proceeds otherwise payable shall be payable to the member's estate.

§ 58.1-322.02. Virginia taxable income; subtractions.

In computing Virginia taxable income pursuant to § 58.1-322, to the extent included in federal adjusted gross income, there shall be subtracted:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission, or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States, including, but not limited to, stocks, bonds, treasury bills, and treasury notes but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations, of the Commonwealth or of any political subdivision or instrumentality of the Commonwealth.

3. Benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code.

4. Up to \$20,000 of disability income, as defined in § 22(c)(2)(B)(iii) of the Internal Revenue Code; however, any person who claims a deduction under subdivision 5 of § 58.1-322.03 may not also claim a subtraction under this subdivision.

5. The amount of any refund or credit for overpayment of income taxes imposed by the Commonwealth or any other taxing jurisdiction.

6. The amount of wages or salaries eligible for the federal Work Opportunity Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7. Any amount included therein less than \$600 from a prize awarded by the Virginia Lottery.

8. The wages or salaries received by any person for active and inactive service in the National Guard of the Commonwealth of Virginia, not to exceed the amount of income derived from 39 calendar days of such service or \$3,000, whichever amount is less; however, only those persons in the ranks of O3 and below shall be entitled to the deductions specified in this subdivision.

9. Amounts received by an individual, not to exceed \$1,000 in any taxable year, as a reward for information provided to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement official or agency, in the apprehension and conviction of perpetrators of crimes. This subdivision shall not apply to the following: an individual who is an

1166 employee of, or under contract with, a law-enforcement agency, a victim, or the perpetrator of the crime
1167 for which the reward was paid, or any person who is compensated for the investigation of crimes or
1168 accidents.

1169 10. The amount of "qualified research expenses" or "basic research expenses" eligible for deduction
1170 for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the
1171 Internal Revenue Code and which shall be available to partners, shareholders of S corporations, and
1172 members of limited liability companies to the extent and in the same manner as other deductions may
1173 pass through to such partners, shareholders, and members.

1174 11. Any income received during the taxable year derived from a qualified pension, profit-sharing, or
1175 stock bonus plan as described by § 401 of the Internal Revenue Code, an individual retirement account
1176 or annuity established under § 408 of the Internal Revenue Code, a deferred compensation plan as
1177 defined by § 457 of the Internal Revenue Code, or any federal government retirement program, the
1178 contributions to which were deductible from the taxpayer's federal adjusted gross income, but only to the
1179 extent the contributions to such plan or program were subject to taxation under the income tax in
1180 another state.

1181 12. Any income attributable to a distribution of benefits or a refund from a prepaid tuition contract
1182 or savings trust account with the Virginia College Savings Plan, created pursuant to Chapter 7
1183 (§ 23.1-700 et seq.) of Title 23.1. The subtraction for any income attributable to a refund shall be
1184 limited to income attributable to a refund in the event of a beneficiary's death, disability, or receipt of a
1185 scholarship.

1186 13. All military pay and allowances, to the extent included in federal adjusted gross income and not
1187 otherwise subtracted, deducted, or exempted under this section, earned by military personnel while
1188 serving by order of the President of the United States with the consent of Congress in a combat zone or
1189 qualified hazardous duty area that is treated as a combat zone for federal tax purposes pursuant to § 112
1190 of the Internal Revenue Code.

1191 14. For taxable years beginning before January 1, 2015, the gain derived from the sale or exchange
1192 of real property or the sale or exchange of an easement to real property which results in the real
1193 property or the easement thereto being devoted to open-space use, as that term is defined in §
1194 58.1-3230, for a period of time not less than 30 years. To the extent that a subtraction is taken in
1195 accordance with this subdivision, no tax credit under this chapter for donating land for its preservation
1196 shall be allowed for three years following the year in which the subtraction is taken.

1197 15. Fifteen thousand dollars of military basic pay for military service personnel on extended active
1198 duty for periods in excess of 90 days; however, the subtraction amount shall be reduced dollar-for-dollar
1199 by the amount by which the taxpayer's military basic pay exceeds \$15,000 and shall be reduced to zero
1200 if such military basic pay amount is equal to or exceeds \$30,000.

1201 16. The first \$15,000 of salary for each federal and state employee whose total annual salary from all
1202 employment for the taxable year is \$15,000 or less.

1203 17. Unemployment benefits taxable pursuant to § 85 of the Internal Revenue Code.

1204 18. Any amount received as military retirement income by an individual awarded the Congressional
1205 Medal of Honor.

1206 19. Items of income attributable to, derived from, or in any way related to (i) assets stolen from,
1207 hidden from, or otherwise lost by an individual who was a victim or target of Nazi persecution or (ii)
1208 damages, reparations, or other consideration received by a victim or target of Nazi persecution to
1209 compensate such individual for performing labor against his will under the threat of death, during World
1210 War II and its prelude and direct aftermath. This subtraction shall not apply to assets acquired with such
1211 items of income or with the proceeds from the sale of assets stolen from, hidden from, or otherwise lost
1212 to, during World War II and its prelude and direct aftermath, a victim or target of Nazi persecution. The
1213 provisions of this subdivision shall only apply to an individual who was the first recipient of such items
1214 of income and who was a victim or target of Nazi persecution, or a spouse, ~~widow~~, ~~widower~~ *surviving*
1215 *spouse*, or child or stepchild of such victim.

1216 As used in this subdivision:

1217 "Nazi regime" means the country of Nazi Germany, areas occupied by Nazi Germany, those
1218 European countries allied with Nazi Germany, or any other neutral European country or area in Europe
1219 under the influence or threat of Nazi invasion.

1220 "Victim or target of Nazi persecution" means any individual persecuted or targeted for persecution by
1221 the Nazi regime who had assets stolen from, hidden from, or otherwise lost as a result of any act or
1222 omission in any way relating to (i) the Holocaust, (ii) World War II and its prelude and direct aftermath,
1223 (iii) transactions with or actions of the Nazi regime, (iv) treatment of refugees fleeing Nazi persecution,
1224 or (v) the holding of such assets by entities or persons in the Swiss Confederation during World War II
1225 and its prelude and aftermath. A "victim or target of Nazi persecution" also includes any individual
1226 forced into labor against his will, under the threat of death, during World War II and its prelude and
1227 direct aftermath.

20. The military death gratuity payment made after September 11, 2001, to the survivor of deceased military personnel killed in the line of duty, pursuant to 10 U.S.C. Chapter 75; however, the subtraction amount shall be reduced dollar-for-dollar by the amount that the survivor may exclude from his federal gross income in accordance with § 134 of the Internal Revenue Code.

21. The death benefit payments from an annuity contract that are received by a beneficiary of such contract, provided that (i) the death benefit payment is made pursuant to an annuity contract with an insurance company and (ii) the death benefit payment is paid solely by lump sum. The subtraction under this subdivision shall be allowed only for that portion of the death benefit payment that is included in federal adjusted gross income.

22. Any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals with the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

23. Any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

24. Any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income shall be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Technology, provided that the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment shall be made between the dates of April 1, 2010, and June 30, 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

25. For taxable years beginning on and after January 1, 2014, any income of an account holder for the taxable year taxed as (i) a capital gain for federal income tax purposes attributable to such person's first-time home buyer savings account established pursuant to Chapter 12 (§ 36-171 et seq.) of Title 36 and (ii) interest income or other income for federal income tax purposes attributable to such person's first-time home buyer savings account.

Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any subtraction taken under this subdivision shall be subject to recapture in the taxable year or years in which moneys or funds withdrawn from the first-time home buyer savings account were used for any purpose other than the payment of eligible costs by or on behalf of a qualified beneficiary, as provided under § 36-174. The amount subject to recapture shall be a portion of the amount withdrawn in the taxable year that was used for other than the payment of eligible costs, computed by multiplying the amount withdrawn and used for other than the payment of eligible costs by the ratio of the aggregate earnings in the account at the time of the withdrawal to the total balance in the account at such time.

However, recapture shall not apply to the extent of moneys or funds withdrawn that were (i) withdrawn by reason of the qualified beneficiary's death or disability; (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. §§ 101 through 1330; or (iii) transferred from an account established pursuant to Chapter 12 (§ 36-171 et seq.) of Title 36 into another account established pursuant to such chapter for the benefit of another qualified beneficiary.

For purposes of this subdivision, "account holder," "eligible costs," "first-time home buyer savings account," and "qualified beneficiary" mean the same as those terms are defined in § 36-171.

26. For taxable years beginning on and after January 1, 2015, any income for the taxable year attributable to the discharge of a student loan solely by reason of the student's death. For purposes of this subdivision, "student loan" means the same as that term is defined under § 108(f) of the Internal Revenue Code.

27. a. Income, including investment services partnership interest income (otherwise known as investment partnership carried interest income), attributable to an investment in a Virginia venture capital account. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2018, but before December 31, 2023. No subtraction shall be allowed under this subdivision for an investment in a company that is owned or operated by a family member or an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision 24 or a tax credit under § 58.1-339.4 for the same investment.

b. As used in this subdivision 27:

"Qualified portfolio company" means a company that (i) has its principal place of business in the

1289 Commonwealth; (ii) has a primary purpose of production, sale, research, or development of a product or
1290 service other than the management or investment of capital; and (iii) provides equity in the company to
1291 the Virginia venture capital account in exchange for a capital investment. "Qualified portfolio company"
1292 does not include a company that is an individual or sole proprietorship.

1293 "Virginia venture capital account" means an investment fund that has been certified by the
1294 Department as a Virginia venture capital account. In order to be certified as a Virginia venture capital
1295 account, the operator of the investment fund shall register the investment fund with the Department prior
1296 to December 31, 2023, (i) indicating that it intends to invest at least 50 percent of the capital committed
1297 to its fund in qualified portfolio companies and (ii) providing documentation that it employs at least one
1298 investor who has at least four years of professional experience in venture capital investment or
1299 substantially equivalent experience. "Substantially equivalent experience" includes, but is not limited to,
1300 an undergraduate degree from an accredited college or university in economics, finance, or a similar
1301 field of study. The Department may require an investment fund to provide documentation of the
1302 investor's training, education, or experience as deemed necessary by the Department to determine
1303 substantial equivalency. If the Department determines that the investment fund employs at least one
1304 investor with the experience set forth herein, the Department shall certify the investment fund as a
1305 Virginia venture capital account at such time as the investment fund actually invests at least 50 percent
1306 of the capital committed to its fund in qualified portfolio companies.

1307 28. a. Income attributable to an investment in a Virginia real estate investment trust. To qualify for a
1308 subtraction under this subdivision, the investment shall be made on or after January 1, 2019, but before
1309 December 31, 2024. No subtraction shall be allowed for an investment in a trust that is managed by a
1310 family member or an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for
1311 a taxpayer who has claimed a subtraction under subdivision 24 or 27 or a tax credit under § 58.1-339.4
1312 for the same investment.

1313 b. As used in this subdivision 28:

1314 "Distressed" means satisfying the criteria applicable to a locality described in subdivision E 2 of
1315 § 2.2-115.

1316 "Double distressed" means satisfying the criteria applicable to a locality described in subdivision E 3
1317 of § 2.2-115.

1318 "Virginia real estate investment trust" means a real estate investment trust, as defined in 26 U.S.C.
1319 § 856, that has been certified by the Department as a Virginia real estate investment trust. In order to be
1320 certified as a Virginia real estate investment trust, the trustee shall register the trust with the Department
1321 prior to December 31, 2024, indicating that it intends to invest at least 90 percent of trust funds in
1322 Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double
1323 distressed. If the Department determines that the trust satisfies the preceding criteria, the Department
1324 shall certify the trust as a Virginia real estate investment trust at such time as the trust actually invests
1325 at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in
1326 localities that are distressed or double distressed.

1327 29. For taxable years beginning on and after January 1, 2019, any gain recognized from the taking of
1328 real property by condemnation proceedings.

1329 **§ 58.1-324. Married individuals.**

1330 A. If the federal taxable income of ~~husband or wife~~ *married individuals* is determined on a separate
1331 federal ~~return~~ *returns*, their Virginia taxable incomes shall be separately determined.

1332 B. If the federal taxable income of ~~husband and wife~~ *married individuals* is determined on a joint
1333 federal return, or if neither files a federal return:

1334 1. Their tax shall be determined on their joint Virginia taxable income; or

1335 2. Separate taxes may be determined on their separate Virginia taxable incomes if they so elect.

1336 C. Where ~~husband and wife~~ *married individuals* have not separately reported and claimed items of
1337 income, exemptions and deductions for federal income tax purposes, and have not elected to file a joint
1338 Virginia income tax return, such items allowable for Virginia income tax purposes shall be allocated and
1339 adjusted as follows:

1340 1. Income shall be allocated to the spouse who earned the income or with respect to whose property
1341 the income is attributable.

1342 2. Allowable deductions with respect to trade, business, production of income, or employment shall
1343 be allocated to the spouse to whom attributable.

1344 3. Nonbusiness deductions, where properly taken for federal income tax purposes, shall be allowable
1345 for Virginia income tax purposes, but shall be allocable between ~~husband and wife~~ *married individuals*
1346 as they may mutually agree. For this purpose, "nonbusiness deductions" consist of allowable deductions
1347 not described in subdivision 2.

1348 4. Where the standard deduction or low income allowance is properly taken pursuant to subdivision 1
1349 a of § 58.1-322.03, such deduction or allowance shall be allocable between ~~husband and wife~~ *married*
1350 *individuals* as they may mutually agree.

5. Personal exemptions properly allowable for federal income tax purposes shall be allocated for Virginia income tax purposes as ~~husband and wife~~ *married individuals* may mutually agree; however, exemptions for taxpayer and spouse together with exemptions for old age and blindness must be allocated respectively to the spouse to whom they relate.

D. Where allocations are permitted to be made under subsection C pursuant to agreement between ~~husband and wife~~ *married individuals*, and ~~husband and wife~~ *they* have failed to agree as to those allocations, such allocations shall be made between ~~husband and wife~~ *them* in a manner corresponding to the treatment for federal income tax purposes of the items involved, under regulations prescribed by the Department.

§ 58.1-326. Married individuals when one nonresident.

If ~~husband or wife~~ *either spouse* is a resident and the other *spouse* is a nonresident, separate taxes shall be determined on their separate Virginia taxable incomes on such single or separate forms as may be required by the Department, unless both elect to determine their joint Virginia taxable income as if both were residents.

§ 58.1-339.8. Income tax credit for low-income taxpayers.

A. As used in this section, unless the context requires otherwise:

"Family Virginia adjusted gross income" means the combined Virginia adjusted gross income of an individual, the individual's spouse, and any person claimed as a dependent on the individual's or his spouse's income tax return for the taxable year.

"Poverty guidelines" means the poverty guidelines for the 48 contiguous states and the District of Columbia updated annually in the Federal Register by the U.S. Department of Health and Human Services under the authority of § 673(2) of the Omnibus Budget Reconciliation Act of 1981.

"Virginia adjusted gross income" has the same meaning as the term is defined in § 58.1-321.

B. 1. For taxable years beginning on and after January 1, 2000, any individual or persons filing a joint return whose family Virginia adjusted gross income does not exceed 100 percent of the poverty guideline amount corresponding to a household of an equal number of persons as listed in the poverty guidelines published during such taxable year, shall be allowed a credit against the tax levied pursuant to § 58.1-320 in an amount equal to \$300 each for the individual, the individual's spouse, and any person claimed as a dependent on the individual's or married ~~persons'~~ *individuals'* income tax return for the taxable year. For any taxable year in which a ~~husband and wife~~ *married individuals* file separate Virginia income tax returns, the credit provided under this section shall be allowed against the tax for only one of such two tax returns. Additionally, the credit provided under this section shall not be allowed against such tax of a dependent of the individual or of married ~~persons'~~ *individuals'*.

2. For taxable years beginning on and after January 1, 2006, any individual or married ~~persons'~~ *individuals'*, eligible for a tax credit pursuant to § 32 of the Internal Revenue Code, may for the taxable year, in lieu of the credit authorized under subdivision B 1, claim a credit against the tax imposed pursuant to § 58.1-320 in an amount equal to 20 percent of the credit claimed by the individual or married ~~persons'~~ *individuals'* for federal individual income taxes pursuant to § 32 of the Internal Revenue Code for the taxable year. In no case shall a household be allowed a credit pursuant to this subdivision and subdivision B 1 for the same taxable year.

For *the* purpose of this subdivision, "household" means an individual and, in the case of married ~~persons'~~ *individuals'*, the individual and his spouse regardless of whether or not the individual and his spouse file combined or separate Virginia individual income tax returns.

C. The amount of the credit provided pursuant to subsection B for any taxable year shall not exceed the individual's or married ~~persons'~~ *individuals'* Virginia income tax liability.

D. Notwithstanding any other provision of this section, no credit shall be allowed pursuant to subsection B in any taxable year in which the individual, the individual's spouse, or both, or any person claimed as a dependent on such individual's or married ~~persons'~~ *individuals'* income tax return, claims one or any combination of the following on his or their income tax return for such taxable year:

1. The subtraction under subdivision 8 of § 58.1-322.02;
2. The subtraction under subdivision 15 of § 58.1-322.02;
3. The subtraction under subdivision 16 of § 58.1-322.02;
4. The deduction for the additional personal exemption for blind or aged taxpayers under subdivision 2 b of § 58.1-322.03; or
5. The deduction under subdivision 5 of § 58.1-322.03.

§ 58.1-341. Returns of individuals.

A. On or before May 1 of each year if an individual's taxable year is the calendar year, or on or before the fifteenth day of the fourth month following the close of a taxable year other than the calendar year, an income tax return under this chapter shall be made and filed by or for:

1. Every resident individual, except as provided in § 58.1-321, required to file a federal income tax return for the taxable year, or having Virginia taxable income for the taxable year;

1412 2. Every nonresident individual having Virginia taxable income for the taxable year, except as
1413 provided in § 58.1-321.

1414 Notwithstanding the foregoing, every member of the armed services of the United States deployed
1415 outside of the United States shall be allowed an automatic extension to file an income tax return. Such
1416 extension shall expire 90 days following the completion of such member's deployment. For purposes of
1417 this section, "the armed services of the United States" includes active duty service with the regular
1418 Armed Forces of the United States or the National Guard or other reserve component.

1419 B. If the federal income tax liability of ~~husband or wife~~ *either spouse* is determined on a separate
1420 federal return, their Virginia income tax liabilities and returns shall be separate. If the federal income tax
1421 liabilities of ~~husband and wife married individuals~~ (other than a ~~husband and wife married individuals~~
1422 described in subdivision A 2 of ~~subsection A~~) are determined on a joint federal return, or if neither files
1423 a federal return:

1424 1. They shall file a joint Virginia income tax return, and their tax liabilities shall be joint and
1425 several; or

1426 2. They may elect to file separate Virginia income tax returns if they comply with the requirements
1427 of the Department in setting forth information (whether or not on a single form), in which event their
1428 tax liabilities shall be separate unless such ~~husband and wife married individuals~~ file separately on a
1429 combined return. The election permitted under this subsection may be made or changed at any time
1430 within three years from the last day prescribed by law for the timely filing of the return.

1431 C. If either ~~husband or wife~~ *spouse* is a resident and the other is a nonresident, they shall file
1432 separate Virginia income tax returns on such single or separate forms as may be required by the
1433 Department, in which event their tax liabilities shall be separate except as provided in subsection D,
1434 unless both elect to determine their joint Virginia taxable income as if both were residents, in which
1435 event their tax liabilities shall be joint and several.

1436 D. If ~~husband and wife married individuals~~ file separate Virginia income tax returns on a single form
1437 pursuant to subsection B or C, and:

1438 1. If the sum of the payments by either spouse, including withheld and estimated taxes, exceeds the
1439 amount of the tax for which such spouse is separately liable, the excess may be applied by the
1440 Department to the credit of the other spouse if the sum of the payments by such other spouse, including
1441 withheld and estimated taxes, is less than the amount of the tax for which such other spouse is
1442 separately liable;

1443 2. If the sum of the payments made by both spouses with respect to the taxes for which they are
1444 separately liable, including withheld and estimated taxes, exceeds the total of the taxes due, refund of
1445 the excess may be made payable to both spouses.

1446 The provisions of this subsection shall not apply if the return of either spouse includes a demand that
1447 any overpayment made by him ~~or her~~ shall be applied only on account of his ~~or her~~ separate liability.

1448 E. The return for any deceased individual shall be made and filed by his executor, administrator, or
1449 other person charged with his property.

1450 F. The return for an individual who is unable to make a return by reason of minority or other
1451 disability shall be made and filed by his guardian, committee, fiduciary or other person charged with the
1452 care of his person or property (other than a receiver in possession of only a part of his property), or by
1453 his duly authorized agent.

1454 **§ 58.1-344.3. Voluntary contributions of refunds requirements.**

1455 A. 1. For taxable years beginning on and after January 1, 2005, all entities entitled to voluntary
1456 contributions of tax refunds listed in subsections B and C must have received at least \$10,000 in
1457 contributions in each of the three previous taxable years for which there is complete data and in which
1458 such entity was listed on the individual income tax return.

1459 2. In the event that an entity listed in subsections B and C does not satisfy the requirement in
1460 subdivision 1, such entity shall no longer be listed on the individual income tax return.

1461 3. a. The entities listed in subdivisions B 21 and B 22 as well as any other entities in subsections B
1462 and C added subsequent to the 2004 Session of the General Assembly shall not appear on the individual
1463 income tax return until their addition to the individual income tax return results in a maximum of 25
1464 contributions listed on the return. Such contributions shall be added in the order that they are listed in
1465 subsections B and C.

1466 b. Each entity added to the income tax return shall appear on the return for at least three consecutive
1467 taxable years before the requirement in subdivision 1 is applied to such entity.

1468 4. The Department of Taxation shall report annually by the first day of each General Assembly
1469 Regular Session to the ~~chairmen~~ *Chairmen* of the House and Senate ~~Finance~~ *Finance* Committees *on Finance* the
1470 amounts collected for each entity listed under subsections B and C for the three most recent taxable
1471 years for which there is complete data. Such report shall also identify the entities, if any, that will be
1472 removed from the individual income tax return because they have failed the requirements in subdivision
1473 1, the entities that will remain on the individual income tax return, and the entities, if any, that will be

added to the individual income tax return.

B. Subject to the provisions of subsection A, the following entities entitled to voluntary contributions shall appear on the individual income tax return and are eligible to receive tax refund contributions of not less than \$1:

1. Nongame wildlife voluntary contribution.

a. All moneys contributed shall be used for the conservation and management of endangered species and other nongame wildlife. "Nongame wildlife" includes protected wildlife, endangered and threatened wildlife, aquatic wildlife, specialized habitat wildlife both terrestrial and aquatic, and mollusks, crustaceans, and other invertebrates under the jurisdiction of the Board of Game and Inland Fisheries.

b. All moneys shall be deposited into a special fund known as the Game Protection Fund and which shall be accounted for as a separate part thereof to be designated as the Nongame Cash Fund. All moneys so deposited in the Nongame Cash Fund shall be used by the Commission of Game and Inland Fisheries for the purposes set forth herein.

2. Open space recreation and conservation voluntary contribution.

a. All moneys contributed shall be used by the Department of Conservation and Recreation to acquire land for recreational purposes and preserve natural areas; to develop, maintain, and improve state park sites and facilities; and to provide funds to local public bodies pursuant to the Virginia Outdoor Fund Grants Program.

b. All moneys shall be deposited into a special fund known as the Open Space Recreation and Conservation Fund. The moneys in the fund shall be allocated one-half to the Department of Conservation and Recreation for the purposes stated in subdivision 2 a and one-half to local public bodies pursuant to the Virginia Outdoor Fund Grants Program.

3. Voluntary contribution to political party.

All moneys contributed shall be paid to the State Central Committee of any party that meets the definition of a political party under § 24.2-101 as of July 1 of the previous taxable year. The maximum contribution allowable under this subdivision shall be \$25. In the case of a joint return of husband and wife married individuals, each spouse may designate that the maximum contribution allowable be paid.

4. United States Olympic Committee voluntary contribution.

All moneys contributed shall be paid to the United States Olympic Committee.

5. Housing program voluntary contribution.

a. All moneys contributed shall be used by the Department of Housing and Community Development to provide assistance for emergency, transitional, and permanent housing for the homeless; and to provide assistance to housing for the low-income elderly for the physically or mentally disabled.

b. All moneys shall be deposited into a special fund known as the Virginia Tax Check-off for Housing Fund. All moneys deposited in the fund shall be used by the Department of Housing and Community Development for the purposes set forth in this subdivision. Funds made available to the Virginia Tax Check-off for Housing Fund may supplement but shall not supplant activities of the Virginia Housing Trust Fund established pursuant to Chapter 9 (§ 36-141 et seq.) of Title 36 or those of the Virginia Housing Development Authority.

6. Voluntary contributions to the Department for Aging and Rehabilitative Services.

a. All moneys contributed shall be used by the Department for Aging and Rehabilitative Services for the enhancement of transportation services for the elderly and disabled.

b. All moneys shall be deposited into a special fund known as the Transportation Services for the Elderly and Disabled Fund. All moneys so deposited in the fund shall be used by the Department for Aging and Rehabilitative Services for the enhancement of transportation services for the elderly and disabled. The Department for Aging and Rehabilitative Services shall conduct an annual audit of the moneys received pursuant to this subdivision and shall provide an evaluation of all programs funded pursuant to this subdivision annually to the Secretary of Health and Human Resources.

7. Voluntary contribution to the Community Policing Fund.

a. All moneys contributed shall be used to provide grants to local law-enforcement agencies for the purchase of equipment or the support of services, as approved by the Criminal Justice Services Board, relating to community policing.

b. All moneys shall be deposited into a special fund known as the Community Policing Fund. All moneys deposited in such fund shall be used by the Department of Criminal Justices Services for the purposes set forth herein.

8. Voluntary contribution to promote the arts.

All moneys contributed shall be used by the Virginia Arts Foundation to assist the Virginia Commission for the Arts in its statutory responsibility of promoting the arts in the Commonwealth. All moneys shall be deposited into a special fund known as the Virginia Arts Foundation Fund.

9. Voluntary contribution to the Historic Resources Fund.

All moneys contributed shall be deposited in the Historic Resources Fund established pursuant to

1535 § 10.1-2202.1.

1536 10. Voluntary contribution to the Virginia Foundation for the Humanities and Public Policy.

1537 All moneys contributed shall be paid to the Virginia Foundation for the Humanities and Public
1538 Policy. All moneys shall be deposited into a special fund known as the Virginia Humanities Fund.

1539 11. Voluntary contribution to the Center for Governmental Studies.

1540 All moneys contributed shall be paid to the Center for Governmental Studies, a public service and
1541 research center of the University of Virginia. All moneys shall be deposited into a special fund known
1542 as the Governmental Studies Fund.

1543 12. Voluntary contribution to the Law and Economics Center.

1544 All moneys contributed shall be paid to the Law and Economics Center, a public service and
1545 research center of George Mason University. All moneys shall be deposited into a special fund known
1546 as the Law and Economics Fund.

1547 13. Voluntary contribution to Children of America Finding Hope.

1548 All moneys contributed shall be used by Children of America Finding Hope (CAFH) in its programs
1549 which are designed to reach children with emotional and physical needs.

1550 14. Voluntary contribution to 4-H Educational Centers.

1551 All moneys contributed shall be used by the 4-H Educational Centers throughout the Commonwealth
1552 for their (i) educational, leadership, and camping programs and (ii) operational and capital costs. The
1553 State Treasurer shall pay the moneys to the Virginia 4-H Foundation in Blacksburg, Virginia.

1554 15. Voluntary contribution to promote organ and tissue donation.

1555 a. All moneys contributed shall be used by the Virginia Transplant Council to assist in its statutory
1556 responsibility of promoting and coordinating educational and informational activities as related to the
1557 organ, tissue, and eye donation process and transplantation in the Commonwealth of Virginia.

1558 b. All moneys shall be deposited into a special fund known as the Virginia Donor Registry and
1559 Public Awareness Fund. All moneys deposited in such fund shall be used by the Virginia Transplant
1560 Council for the purposes set forth herein.

1561 16. Voluntary contributions to the Virginia War Memorial division of the Department of Veterans
1562 Services and the National D-Day Memorial Foundation.

1563 All moneys contributed shall be used by the Virginia War Memorial division of the Department of
1564 Veterans Services and the National D-Day Memorial Foundation in their work through each of their
1565 respective memorials. The State Treasurer shall divide the moneys into two equal portions and pay one
1566 portion to the Virginia War Memorial division of the Department of Veterans Services and the other
1567 portion to the National D-Day Memorial Foundation.

1568 17. Voluntary contribution to the Virginia Federation of Humane Societies.

1569 All moneys contributed shall be paid to the Virginia Federation of Humane Societies to assist in its
1570 mission of saving, caring for, and finding homes for homeless animals.

1571 18. Voluntary contribution to the Tuition Assistance Grant Fund.

1572 a. All moneys contributed shall be paid to the Tuition Assistance Grant Fund for use in providing
1573 monetary assistance to residents of the Commonwealth who are enrolled in undergraduate or graduate
1574 programs in private Virginia colleges.

1575 b. All moneys shall be deposited into a special fund known as the Tuition Assistance Grant Fund.
1576 All moneys so deposited in the Fund shall be administered by the State Council of Higher Education for
1577 Virginia in accordance with and for the purposes provided under the Tuition Assistance Grant Act
1578 (§ 23.1-628 et seq.).

1579 19. Voluntary contribution to the Spay and Neuter Fund.

1580 All moneys contributed shall be paid to the Spay and Neuter Fund for use by localities in the
1581 Commonwealth for providing low-cost spay and neuter surgeries through direct provision or contract or
1582 each locality may make the funds available to any private, nonprofit sterilization program for dogs and
1583 cats in such locality. The Tax Commissioner shall determine annually the total amounts designated on
1584 all returns from each locality in the Commonwealth, based upon the locality that each filer who makes a
1585 voluntary contribution to the Fund lists as his permanent address. The State Treasurer shall pay the
1586 appropriate amount to each respective locality.

1587 20. Voluntary contribution to the Virginia Commission for the Arts.

1588 All moneys contributed shall be paid to the Virginia Commission for the Arts.

1589 21. Voluntary contribution for the Department of Emergency Management.

1590 All moneys contributed shall be paid to the Department of Emergency Management.

1591 22. Voluntary contribution for the cancer centers in the Commonwealth.

1592 All moneys contributed shall be paid equally to all entities in the Commonwealth that officially have
1593 been designated as cancer centers by the National Cancer Institute.

1594 23. Voluntary contribution to the Brown v. Board of Education Scholarship Program Fund.

1595 a. All moneys contributed shall be paid to the Brown v. Board of Education Scholarship Program
1596 Fund to support the work of and generate nonstate funds to maintain the Brown v. Board of Education

1597 Scholarship Program.

1598 b. All moneys shall be deposited into the Brown v. Board of Education Scholarship Program Fund as
1599 established in § 30-231.4.

1600 c. All moneys so deposited in the Fund shall be administered by the State Council of Higher
1601 Education in accordance with and for the purposes provided in Chapter 34.1 (§ 30-231.01 et seq.) of
1602 Title 30.

1603 24. Voluntary contribution to the Martin Luther King, Jr. Living History and Public Policy Center.

1604 All moneys contributed shall be paid to the Board of Trustees of the Martin Luther King, Jr. Living
1605 History and Public Policy Center.

1606 25. Voluntary contribution to the Virginia Caregivers Grant Fund.

1607 All moneys contributed shall be paid to the Virginia Caregivers Grant Fund established pursuant to
1608 § 63.2-2202.

1609 26. Voluntary contribution to public library foundations.

1610 All moneys contributed pursuant to this subdivision shall be deposited into the state treasury. The
1611 Tax Commissioner shall determine annually the total amounts designated on all returns for each public
1612 library foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the
1613 appropriate amount to the respective public library foundation.

1614 27. Voluntary contribution to Celebrating Special Children, Inc.

1615 All moneys contributed shall be paid to Celebrating Special Children, Inc. and shall be deposited into
1616 a special fund known as the Celebrating Special Children, Inc. Fund.

1617 28. Voluntary contributions to the Department for Aging and Rehabilitative Services.

1618 a. All moneys contributed shall be used by the Department for Aging and Rehabilitative Services for
1619 providing Medicare Part D counseling to the elderly and disabled.

1620 b. All moneys shall be deposited into a special fund known as the Medicare Part D Counseling Fund.
1621 All moneys so deposited shall be used by the Department for Aging and Rehabilitative Services to
1622 provide counseling for the elderly and disabled concerning Medicare Part D. The Department for Aging
1623 and Rehabilitative Services shall conduct an annual audit of the moneys received pursuant to this
1624 subdivision and shall provide an evaluation of all programs funded pursuant to the subdivision to the
1625 Secretary of Health and Human Resources.

1626 29. Voluntary contribution to community foundations.

1627 All moneys contributed pursuant to this subdivision shall be deposited into the state treasury. The
1628 Tax Commissioner shall determine annually the total amounts designated on all returns for each
1629 community foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the
1630 appropriate amount to the respective community foundation. A "community foundation" shall be defined
1631 as any institution that meets the membership requirements for a community foundation established by
1632 the Council on Foundations.

1633 30. Voluntary contribution to the Virginia Foundation for Community College Education.

1634 a. All moneys contributed shall be paid to the Virginia Foundation for Community College Education
1635 for use in providing monetary assistance to Virginia residents who are enrolled in comprehensive
1636 community colleges in Virginia.

1637 b. All moneys shall be deposited into a special fund known as the Virginia Foundation for
1638 Community College Education Fund. All moneys so deposited in the Fund shall be administered by the
1639 Virginia Foundation for Community College Education in accordance with and for the purposes
1640 provided under the Community College Incentive Scholarship Program (former § 23-220.2 et seq.).

1641 31. Voluntary contribution to the Middle Peninsula Chesapeake Bay Public Access Authority.

1642 All moneys contributed shall be paid to the Middle Peninsula Chesapeake Bay Public Access
1643 Authority to be used for the purposes described in § 15.2-6601.

1644 32. Voluntary contribution to the Breast and Cervical Cancer Prevention and Treatment Fund.

1645 All moneys contributed shall be paid to the Breast and Cervical Cancer Prevention and Treatment
1646 Fund established pursuant to § 32.1-368.

1647 33. Voluntary contribution to the Virginia Aquarium and Marine Science Center.

1648 All moneys contributed shall be paid to the Virginia Aquarium and Marine Science Center for use in
1649 its mission to increase the public's knowledge and appreciation of Virginia's marine environment and
1650 inspire commitment to preserve its existence.

1651 34. Voluntary contribution to the Virginia Capitol Preservation Foundation.

1652 All moneys contributed shall be paid to the Virginia Capitol Preservation Foundation for use in its
1653 mission in supporting the ongoing restoration, preservation, and interpretation of the Virginia Capitol
1654 and Capitol Square.

1655 35. Voluntary contribution for the Secretary of Veterans and Defense Affairs.

1656 All moneys contributed shall be paid to the Office of the Secretary of Veterans and Defense Affairs
1657 for related programs and services.

1658 C. Subject to the provisions of subsection A, the following voluntary contributions shall appear on
1659 the individual income tax return and are eligible to receive tax refund contributions or by making
1660 payment to the Department if the individual is not eligible to receive a tax refund pursuant to § 58.1-309
1661 or if the amount of such tax refund is less than the amount of the voluntary contribution:

1662 1. Voluntary contribution to the Family and Children's Trust Fund of Virginia.
1663 All moneys contributed shall be paid to the Family and Children's Trust Fund of Virginia.

1664 2. Voluntary Chesapeake Bay restoration contribution.
1665 a. All moneys contributed shall be used to help fund Chesapeake Bay and its tributaries restoration
1666 activities in accordance with tributary plans developed pursuant to Article 7 (§ 2.2-215 et seq.) of
1667 Chapter 2 of Title 2.2 or the Chesapeake Bay Watershed Implementation Plan submitted by the
1668 Commonwealth of Virginia to the U.S. Environmental Protection Agency on November 29, 2010, and
1669 any subsequent revisions thereof.

1670 b. The Tax Commissioner shall annually determine the total amount of voluntary contributions and
1671 shall report the same to the State Treasurer, who shall credit that amount to a special nonreverting fund
1672 to be administered by the Office of the Secretary of Natural Resources. All moneys so deposited shall
1673 be used for the purposes of providing grants for the implementation of tributary plans developed
1674 pursuant to Article 7 (§ 2.2-215 et seq.) of Chapter 2 of Title 2.2 or the Chesapeake Bay Watershed
1675 Implementation Plan submitted by the Commonwealth of Virginia to the U.S. Environmental Protection
1676 Agency on November 29, 2010, and any subsequent revisions thereof.

1677 c. No later than November 1 of each year, the Secretary of Natural Resources shall submit a report
1678 to the House Committee on Agriculture, Chesapeake and Natural Resources; the Senate Committee on
1679 Agriculture, Conservation and Natural Resources; the House Committee on Appropriations; the Senate
1680 Committee on Finance; and the Virginia delegation to the Chesapeake Bay Commission, describing the
1681 grants awarded from moneys deposited in the fund. The report shall include a list of grant recipients, a
1682 description of the purpose of each grant, the amount received by each grant recipient, and an assessment
1683 of activities or initiatives supported by each grant. The report shall be posted on a website maintained
1684 by the Secretary of Natural Resources, along with a cumulative listing of previous grant awards
1685 beginning with awards granted on or after July 1, 2014.

1686 3. Voluntary Jamestown-Yorktown Foundation Contribution.
1687 All moneys contributed shall be used by the Jamestown-Yorktown Foundation for the Jamestown
1688 2007 quadricentennial celebration. All moneys shall be deposited into a special fund known as the
1689 Jamestown Quadricentennial Fund. This subdivision shall be effective for taxable years beginning before
1690 January 1, 2008.

1691 4. State forests voluntary contribution.
1692 a. All moneys contributed shall be used for the development and implementation of conservation and
1693 education initiatives in the state forests system.

1694 b. All moneys shall be deposited into a special fund known as the State Forests System Fund,
1695 established pursuant to § 10.1-1119.1. All moneys so deposited in such fund shall be used by the State
1696 Forester for the purposes set forth herein.

1697 5. Voluntary contributions to Uninsured Medical Catastrophe Fund.
1698 All moneys contributed shall be paid to the Uninsured Medical Catastrophe Fund established
1699 pursuant to § 32.1-324.2, such funds to be used for the treatment of Virginians sustaining uninsured
1700 medical catastrophes.

1701 6. Voluntary contribution to local school divisions.
1702 a. All moneys contributed shall be used by a specified local public school foundation as created by
1703 and for the purposes stated in § 22.1-212.2:2.

1704 b. All moneys collected pursuant to subdivision 6 a or through voluntary payments by taxpayers
1705 designated for a local public school foundation over refundable amounts shall be deposited into the state
1706 treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for
1707 each public school foundation and shall report the same to the State Treasurer. The State Treasurer shall
1708 pay the appropriate amount to the respective public school foundation.

1709 c. In order for a public school foundation to be eligible to receive contributions under this section,
1710 school boards must notify the Department during the taxable year in which they want to participate prior
1711 to the deadlines and according to procedures established by the Tax Commissioner.

1712 7. Voluntary contribution to Home Energy Assistance Fund.
1713 All moneys contributed shall be paid to the Home Energy Assistance Fund established pursuant to
1714 § 63.2-805, such funds to be used to assist low-income Virginians in meeting seasonal residential energy
1715 needs.

1716 8. Voluntary contribution to the Virginia Military Family Relief Fund.
1717 a. All moneys contributed shall be paid to the Virginia Military Family Relief Fund for use in
1718 providing assistance to military service personnel on active duty and their families for living expenses
1719 including, but not limited to, food, housing, utilities, and medical services.

b. All moneys shall be deposited into a special fund known as the Virginia Military Family Relief Fund, established and administered pursuant to § 44-102.2.

9. Voluntary contribution to the Federation of Virginia Food Banks.

All moneys contributed shall be paid to the Federation of Virginia Food Banks, a Partner State Association of Feeding America. The Federation of Virginia Food Banks shall as soon as practicable make an equitable distribution of all such moneys to the Blue Ridge Area Food Bank, Capital Area Food Bank, Feeding America Southwest Virginia, FeedMore, Inc., Foodbank of Southeastern Virginia and the Eastern Shore, Fredericksburg Area Food Bank, or Virginia Peninsula Foodbank.

The Secretary of Finance may request records or receipts of all distributions by the Federation of Virginia Food Banks of such moneys contributed for purposes of ensuring compliance with the requirements of this subdivision.

D. Unless otherwise specified and subject to the requirements in § 58.1-344.2, all moneys collected for each entity in subsections B and C shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amount designated for each entity in subsections B and C on all individual income tax returns and shall report the same to the State Treasurer, who shall credit that amount to each entity's respective special fund.

§ 58.1-344.4. Voluntary contributions of refunds into Virginia College Savings Plan accounts.

A. If an individual is entitled to an income tax refund for the taxable year, that individual may designate on his Virginia individual income tax return a contribution to one or more Virginia College Savings Plan accounts established under Chapter 7 (§ 23.1-700 et seq.) of Title 23.1, in the amount of the entire individual income tax refund or a portion thereof.

B. 1. The Department of Taxation shall send each contribution made pursuant to subsection A to the Virginia College Savings Plan with the following information:

a. The amount of the individual income tax refund or that portion of the refund that the individual has chosen to contribute;

b. The taxpayer's name, Social Security number or taxpayer identification number, address, and telephone number; and

c. The Virginia College Savings Plan account number or numbers into which the contributions will be deposited.

2. If a contribution to a Virginia College Savings Plan account is designated in an individual income tax return filed jointly by a ~~husband and wife~~ *married individuals*, the Department of Taxation shall send the information described in subdivision 1 for both ~~the husband and wife~~ *spouses* to the Virginia College Savings Plan.

C. 1. If the taxpayer owns a single Virginia College Savings Plan account, the Virginia College Savings Plan shall deposit the contribution made pursuant to subsection A into that account.

2. If the taxpayer owns more than one Virginia College Savings Plan account, the Virginia College Savings Plan shall allocate the contribution made pursuant to subsection A between or among the accounts in equal amounts, or as otherwise designated by the taxpayer.

3. If the taxpayer does not own an existing Virginia College Savings Plan account and does not wish to open an account, contributions made pursuant to subsection A shall be returned to the taxpayer by the Virginia College Savings Plan.

D. For the purpose of determining interest on an overpayment or refund under § 58.1-1833, no interest shall accrue after the Department of Taxation sends the contribution to the Virginia College Savings Plan.

E. Any taxpayer designating that a refund be contributed to a Virginia College Savings Plan account shall, by making such designation, be deemed to authorize the Department of Taxation to provide all necessary information, including the information specified in subdivision B 1, to the Virginia College Savings Plan.

§ 58.1-490. Declarations of estimated tax.

A. Every resident and nonresident individual shall make a declaration of his estimated tax for every taxable year, if his Virginia tax liability can reasonably be expected to exceed an amount, to be determined under regulations promulgated by the Tax Commissioner, which takes into account the additions, subtractions, and deductions set forth in §§ 58.1-322.01, 58.1-322.02, 58.1-322.03, and 58.1-322.04, the credits set forth in Articles 3 (§ 58.1-332 et seq.) and 13.2 (§ 58.1-439.18 et seq.), and the filing exclusions set forth in § 58.1-321. Every estate with respect to any taxable year ending two or more years after the date of death of the decedent and every trust shall make a declaration of its estimated tax for every taxable year, if its Virginia taxable income can reasonably be expected to exceed the amount specified by regulation for individuals as set forth above.

B. For purposes of this article, "estimated tax" means the amount which an individual estimates to be his income tax under this chapter for the taxable year, less the amount which he estimates to be the sum of any credits allowable against the tax.

1781 C. For purposes of this section, the declaration shall be the first voucher.

1782 D. In the case of a ~~husband and wife~~ *married individuals*, a single declaration under this section may
1783 be made by them jointly, in which case the liability with respect to the estimated tax shall be joint and
1784 several. No joint declaration may be made if either ~~the husband or the wife~~ *spouse* is a nonresident of
1785 the Commonwealth unless both are required by this chapter to file a return, if they are separated under a
1786 decree of divorce or of separate maintenance, or if they have different taxable years. If a joint
1787 declaration is made but a joint return is not made for the taxable year, the estimated tax for such year
1788 may be treated as the estimated tax of either ~~the husband or the wife~~ *spouse*, or may be divided between
1789 them.

1790 E. A declaration of estimated tax of an individual other than a farmer, fisherman, or merchant
1791 seaman shall be filed on or before May 1 of the taxable year, except that if the requirements of
1792 subsection A are first met:

1793 1. The declaration shall be filed on or before June 15; or

1794 2. After June 1 and before September 2 of the taxable year, the declaration shall be filed on or
1795 before September 15; or

1796 3. After September 1 of the taxable year, the declaration shall be filed on or before January 15 of the
1797 succeeding year.

1798 F. A declaration of estimated tax of an individual having an estimated gross income from (i) farming
1799 (including oyster farming); (ii) fishing; or (iii) working as a merchant seaman for the taxable year,
1800 which is at least two-thirds of his total estimated gross income for the taxable year, may be filed at any
1801 time on or before January 15 of the succeeding year, in lieu of the time otherwise prescribed.

1802 G. A declaration of estimated tax of an individual having a total estimated tax for the taxable year of
1803 \$40 or less may be filed at any time on or before January 15 of the succeeding year under regulations
1804 of the Tax Commissioner.

1805 H. An individual may amend a declaration under regulations of the Tax Commissioner.

1806 I. If on or before March 1 of the succeeding taxable year an individual files his return for the taxable
1807 year for which the declaration is required, and pays therewith the full amount of the tax shown to be
1808 due on the return:

1809 1. Such return shall be considered as his declaration if no declaration was required to be filed during
1810 the taxable year, but is otherwise required to be filed on or before January 15.

1811 2. Such return shall be considered as the amendment permitted by subsection H to be filed on or
1812 before January 15 if the tax shown on the return is greater than the estimated tax shown in a declaration
1813 previously made.

1814 J. This section shall apply to a taxable year other than a calendar year by the substitution of the
1815 months of such fiscal year for the corresponding months specified in this section.

1816 K. An individual having a taxable year of less than 12 months shall make a declaration in
1817 accordance with regulations of the Tax Commissioner.

1818 L. The declaration of estimated tax for an individual who is unable to make a declaration by reason
1819 of any disability shall be made and filed by his guardian, committee, fiduciary or other person charged
1820 with the care of his person or property (other than a receiver in possession of only a part of his
1821 property), or by his duly authorized agent.

1822 M. The declaration of estimated tax for a trust or estate shall be made by the fiduciary. For purposes
1823 of the estimated tax imposed in this article, any reference to an "individual" shall be deemed to include
1824 the fiduciary required to file a declaration for a trust or estate. Any overpayment of estimated tax with
1825 respect to any trust or estate shall be refunded to the fiduciary. A beneficiary of a trust or estate shall
1826 not be entitled to a credit against the beneficiary's individual income tax for any overpayment of
1827 estimated tax by a trust or estate.

1828 **§ 58.1-499. Refunds to individual taxpayers; crediting overpayment against estimated tax for**
1829 **ensuing year.**

1830 A. In the case of any overpayment of any tax, addition to tax, interest or penalties imposed on an
1831 individual income taxpayer by this chapter, whether by reason of excessive withholding, overestimating
1832 and overpaying estimated tax, error on the part of the taxpayer, or an erroneous assessment of tax, the
1833 Tax Commissioner shall order a refund of the amount of the overpayment to the taxpayer. The
1834 overpayment shall be refunded out of the state treasury on the order of the Tax Commissioner upon the
1835 Comptroller.

1836 B. If a refund of an overpayment of individual income tax payments is made payable jointly to a
1837 ~~husband and wife~~ *married individuals* who receive a final divorce decree after filing a joint income tax
1838 return, separate income tax returns on a single form, an amendment thereto, or other claim resulting in
1839 the issuance of a refund, the Tax Commissioner shall order the reissuance of the refund in separate
1840 checks to ~~the husband and to the wife~~ *each spouse* if the unnegotiated joint refund check is returned to
1841 Department with a certification, in a form satisfactory to the Department, made by one spouse that the
1842 other spouse refuses to endorse the joint refund check or cannot be located. In making such certification,

the spouse returning the check shall agree to indemnify the Commonwealth for any amounts that the Commonwealth may be required to pay to the other spouse with respect to such refund. A certified copy of the final divorce decree, including any agreement with respect to the division of property between the spouses, shall be provided with the certification. If the final divorce decree addresses the apportionment or ownership of the refunded amount, the refund shall be apportioned and separate payments ordered as provided therein. If the final divorce decree does not address the apportionment or ownership of the refunded amount, the amount of the refund shall be divided equally between the ~~husband and wife spouses~~. The reissuance of refund payments pursuant to this subsection shall not affect the joint and several liability of the ~~husband and wife spouses~~ for tax liabilities for the period for which the return or returns were filed.

C. Whenever the annual income tax return of an individual income taxpayer indicates in the place provided thereon that the taxpayer has overpaid his tax for the taxable year by reason of excessive withholding or overestimating and overpaying estimated tax, or both, the amount of the overpayment as shown on his return, subject to correction for error, may be credited against the estimated income tax for the ensuing year at the taxpayer's election and according to regulations prescribed by the Department and such overpayments by either a ~~husband or wife spouse~~ on a separate return may be credited to the tax for the ensuing year of either of them or may be credited to their joint tax at the election of the person to whom the overpayment is payable; or otherwise such amount shall be refunded to him as soon as practicable. Interest on such refund shall be allowed and computed in accordance with § 58.1-1833. The making of any refund shall not absolve any taxpayer of any income tax liability which may in fact exist and the Tax Commissioner may make an assessment for any deficiency in the manner provided by law.

D. No refund under this section, however, shall be made for any overpayment of less than ~~one dollar~~ \$1 except on special written application of the taxpayer, nor shall any refund of any amount under this section be made, whether on discovery by the Department or on written application of the taxpayer, if such discovery is not made or such written application is not received within three years from the last day prescribed by law for the timely filing of the return, or within ~~sixty~~ 60 days from the final determination of any change or correction in the liability of the taxpayer for any federal tax upon which the state tax is based, whichever is later.

E. Notwithstanding the provisions of the Setoff Debt Collection Act, ~~Article 21~~ (§ 58.1-520 et seq.) ~~of this chapter~~, whenever any taxpayer is entitled to a refund under this section, or under § 58.1-309 or §§ 58.1-1821 through 58.1-1830 and such taxpayer owes the Commonwealth a past due income tax, or balance thereof, for any year, the amount of such refund may be credited on such past due income tax or balance, to the extent indicated.

§ 58.1-520. (Contingent expiration) Definitions.

As used in this article:

"Claimant agency" means any administrative unit of state, county, city or town government, including department, institution, commission, authority, or the office of Executive Secretary of the Supreme Court, any circuit or district court and the Internal Revenue Service. All state agencies and institutions shall participate in the setoff program.

"Debtor" means any individual having a delinquent debt or account with any claimant agency which obligation has not been satisfied by court order, set aside by court order, or discharged in bankruptcy.

"Delinquent debt" means any liquidated sum due and owing any claimant agency, or any restitution ordered paid to a clerk of the court pursuant to Title 19.2, including any amount of court costs or fines which have accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for that sum which is legally collectible and for which a collection effort has been or is being made.

"Mailing date of notice" means the date of notice appearing thereon.

"Refund" means any individual's Virginia state or local income tax refund payable pursuant to § 58.1-309. This term also includes any refund belonging to a debtor resulting from the filing of a joint income tax return or a refund belonging to a debtor resulting from the filing of a return where ~~husband and wife married individuals~~ have elected to file a combined return and separately state their Virginia taxable incomes under the provisions of *subdivision B 2 of* § 58.1-324 ~~B 2~~.

§ 58.1-520. (Contingent effective date) Definitions.

As used in this article:

"Claimant agency" means any administrative unit of state, county, city or town government, including department, institution, commission, authority, or the office of Executive Secretary of the Supreme Court, any circuit or district court and the Internal Revenue Service. All state agencies and institutions shall participate in the setoff program.

"Debtor" means any individual having a delinquent debt or account with any claimant agency which obligation has not been satisfied by court order, set aside by court order, or discharged in bankruptcy.

1904 "Delinquent debt" means any liquidated sum due and owing any claimant agency, or any restitution
1905 ordered paid to a clerk of the court pursuant to Title 19.2, including any amount of court costs or fines
1906 which have accrued through contract, subrogation, tort, operation of law, or any other legal theory
1907 regardless of whether there is an outstanding judgment for that sum which is legally collectible and for
1908 which a collection effort has been or is being made.

1909 "Mailing date of notice" means the date of notice appearing thereon.

1910 "Refund" means any individual's (i) Virginia state or local income tax refund payable pursuant to
1911 § 58.1-309 or (ii) federal income tax refund payable pursuant to § 6402 of the Internal Revenue Code.
1912 This term also includes any refund belonging to a debtor resulting from the filing of a joint income tax
1913 return or a refund belonging to a debtor resulting from the filing of a return where ~~husband and wife~~
1914 *married individuals* have elected to file a combined return and separately state their Virginia taxable
1915 incomes under the provisions of *subdivision B 2 of § 58.1-324 B 2*.

1916 **§ 58.1-810. What other deeds not taxable.**

1917 When the tax has been paid at the time of the recordation of the original deed, no additional
1918 recordation tax shall be required for admitting to record:

1919 1. A deed of confirmation;

1920 2. A deed of correction;

1921 3. A deed to which a ~~husband and wife~~ *married individuals* are the only parties;

1922 4. A deed arising out of a contract to purchase real estate; if the tax already paid is less than a
1923 proper tax based upon the full amount of consideration or actual value of the property involved in the
1924 transaction, an additional tax shall be paid based on the difference between the full amount of such
1925 consideration or actual value and the amount on which the tax has been paid; or

1926 5. A notice of assignment of a note secured by a deed of trust or mortgage.

1927 **§ 58.1-3210. Exemption or deferral of taxes on property of certain elderly and handicapped**
1928 **persons.**

1929 A. The governing body of any county, city or town may, by ordinance, provide for the exemption
1930 from, deferral of, or a combination program of exemptions from and deferrals of taxation of real estate
1931 and manufactured homes as defined in § 36-85.3, or any portion thereof, and upon such conditions and
1932 in such amount as the ordinance may prescribe. Such real estate shall be owned by, and be occupied as
1933 the sole dwelling of anyone at least 65 years of age or if provided in the ordinance, anyone found to be
1934 permanently and totally disabled as defined in § 58.1-3217. Such ordinance may provide for the
1935 exemption from or deferral of that portion of the tax which represents the increase in tax liability since
1936 the year such taxpayer reached the age of 65 or became disabled, or the year such ordinance became
1937 effective, whichever is later. A dwelling jointly held by a ~~husband and wife~~ *married individuals*, with no
1938 other joint owners, may qualify if either spouse is 65 or over or is permanently and totally disabled, and
1939 the proration of the exemption or deferral under § 58.1-3211.1 shall not apply for such dwelling.

1940 B. For purposes of this section, "eligible person" means a person who is at least age 65 or, if
1941 provided in the ordinance pursuant to subsection A, permanently and totally disabled. Under subsection
1942 A, real property owned and occupied as the sole dwelling of an eligible person includes real property (i)
1943 held by the eligible person alone or in conjunction with his spouse as tenant or tenants for life or joint
1944 lives, (ii) held in a revocable inter vivos trust over which the eligible person or the eligible person and
1945 his spouse hold the power of revocation, or (iii) held in an irrevocable trust under which an eligible
1946 person alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or
1947 enjoys a continuing right of use or support. The term "eligible person" does not include any interest held
1948 under a leasehold or term of years.

1949 C. For purposes of this article, any reference to:

1950 "Dwelling" shall include an improvement to real estate exempt pursuant to this article and the land
1951 upon which such improvement is situated so long as the improvement is used principally for other than
1952 a business purpose and is used to house or cover any motor vehicle classified pursuant to subdivisions
1953 A 3 through 10 of § 58.1-3503; household goods classified pursuant to subdivision A 14 of § 58.1-3503;
1954 or household goods exempted from personal property tax pursuant to § 58.1-3504.

1955 "Real estate" shall include manufactured homes.

1956 **§ 58.1-3211.1. Prorated tax exemption or deferral of tax.**

1957 A. The governing body of the county, city, or town may, by ordinance, also provide for an
1958 exemption from or deferral of (or combination program thereof) real estate taxes for dwellings jointly
1959 held by two or more individuals not all of whom are at least age 65 or (if provided in the ordinance)
1960 permanently and totally disabled, provided that the dwelling is occupied as the sole dwelling by all such
1961 joint owners.

1962 The tax exemption or deferral for the dwelling that otherwise would have been provided under the
1963 local ordinance shall be prorated by multiplying the amount of the exemption or deferral by a fraction
1964 that has as a numerator the percentage of ownership interest in the dwelling held by all such joint
1965 owners who are at least age 65 or (if provided in the ordinance) permanently and totally disabled, and

as a denominator, ~~100%~~ *100 percent*. As a condition of eligibility for such tax exemption or deferral, the joint owners of the dwelling shall be required to furnish to the relevant local officer sufficient evidence of each joint owner's ownership interest in the dwelling.

B. For purposes of this subsection, "eligible person" means a person who is at least age 65 or, if provided in the ordinance pursuant to subsection A, permanently and totally disabled. For purposes of the tax exemption pursuant to subsection A, real property that is a dwelling jointly held by two or more individuals includes real property (i) held by an eligible person in conjunction with one or more other people as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which an eligible person with one or more other people hold the power of revocation, or (iii) held in an irrevocable trust under which an eligible person in conjunction with one or more other people possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The term "eligible person" does not include any interest held under a leasehold or term of years.

C. The provisions of this section shall not apply to dwellings jointly held by a ~~husband and wife married individuals~~, with no other joint owners.

D. Nothing in this section shall be interpreted or construed to provide for an exemption from or deferral of tax for any dwelling jointly held by nonindividuals.

§ 58.1-3219.5. Exemption from taxes on property for disabled veterans.

A. Pursuant to subdivision (a) of Section 6-A of Article X of the Constitution of Virginia, and for tax years beginning on or after January 1, 2011, the General Assembly hereby exempts from taxation the real property, including the joint real property of ~~husband and wife married individuals~~, of any veteran who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability, and who occupies the real property as his principal place of residence. If the veteran's disability rating occurs after January 1, 2011, and he has a qualified primary residence on the date of the rating, then the exemption for him under this section begins on the date of such rating. However, no county, city, or town shall be liable for any interest on any refund due to the veteran for taxes paid prior to the veteran's filing of the affidavit or written statement required by § 58.1-3219.6. If the qualified veteran acquires the property after January 1, 2011, then the exemption shall begin on the date of acquisition, and the previous owner may be entitled to a refund for a pro rata portion of real property taxes paid pursuant to § 58.1-3360.

B. The surviving spouse of a veteran eligible for the exemption set forth in this article shall also qualify for the exemption, so long as the death of the veteran occurs on or after January 1, 2011, and the surviving spouse does not remarry. The exemption applies without any restriction on the spouse's moving to a different principal place of residence.

C. A county, city, or town shall provide for the exemption from real property taxes the qualifying dwelling pursuant to this section and shall provide for the exemption from real property taxes the land, not exceeding one acre, upon which it is situated. However, if a county, city, or town provides for an exemption from or deferral of real property taxes of more than one acre of land pursuant to Article 2 (§ 58.1-3210 et seq.), then the county, city, or town shall also provide an exemption for the same number of acres pursuant to this section. If the veteran owns a house that is his residence, including a manufactured home as defined in § 46.2-100 whether or not the wheels and other equipment previously used for mobility have been removed, such house or manufactured home shall be exempt even if the veteran does not own the land on which the house or manufactured home is located. If such land is not owned by the veteran, then the land is not exempt. A real property improvement other than a dwelling, including the land upon which such improvement is situated, made to such one acre or greater number of acres exempt from taxation pursuant to this subsection shall also be exempt from taxation so long as the principal use of the improvement is (i) to house or cover motor vehicles or household goods and personal effects as classified in subdivision A 14 of § 58.1-3503 and as listed in § 58.1-3504 and (ii) for other than a business purpose.

D. For purposes of this exemption, real property of any veteran includes real property (i) held by a veteran alone or in conjunction with the veteran's spouse as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which the veteran or the veteran and his spouse hold the power of revocation, or (iii) held in an irrevocable trust under which a veteran alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The term does not include any interest held under a leasehold or term of years.

The exemption for a surviving spouse under subsection B includes real property (a) held by the veteran's spouse as tenant for life, (b) held in a revocable inter vivos trust over which the surviving spouse holds the power of revocation, or (c) held in an irrevocable trust under which the surviving spouse possesses a life estate or enjoys a continuing right of use or support. The exemption does not apply to any interest held under a leasehold or term of years.

E. 1. In the event that (i) a person is entitled to an exemption under this section by virtue of holding

2027 the property in any of the three ways set forth in subsection D and (ii) one or more other persons have
2028 an ownership interest in the property that permits them to occupy the property, then the tax exemption
2029 for the property that otherwise would have been provided shall be prorated by multiplying the amount of
2030 the exemption by a fraction that has as a numerator the number of people who are qualified for the
2031 exemption pursuant to this section and has as a denominator the total number of all people having an
2032 ownership interest that permits them to occupy the property.

2033 2. In the event that the primary residence is jointly owned by two or more individuals, not all of
2034 whom qualify for the exemption pursuant to subsection A or B, and no person is entitled to the
2035 exemption under this section by virtue of holding the property in any of the three ways set forth in
2036 subsection D, then the exemption shall be prorated by multiplying the amount of the exemption by a
2037 fraction that has as a numerator the percentage of ownership interest in the dwelling held by all such
2038 joint owners who qualify for the exemption pursuant to subsections A and B, and as a denominator, 100
2039 percent.

2040 **§ 58.1-3219.6. Application for exemption.**

2041 The veteran or surviving spouse claiming the exemption under this article shall file with the
2042 commissioner of the revenue of the county, city, or town or such other officer as may be designated by
2043 the governing body in which the real property is located, on forms to be supplied by the county, city, or
2044 town, an affidavit or written statement (i) setting forth the name of the disabled veteran and the name of
2045 the spouse, if any, also occupying the real property, (ii) indicating whether the real property is jointly
2046 owned by a ~~husband and wife~~ *married individuals*, and (iii) certifying that the real property is occupied
2047 as the veteran's principal place of residence. The veteran shall also provide documentation from the U.S.
2048 Department of Veterans Affairs or its successor agency indicating that the veteran has a 100 percent
2049 service-connected, permanent, and total disability. The veteran shall be required to refile the information
2050 required by this section only if the veteran's principal place of residence changes. In the event of a
2051 surviving spouse of a veteran claiming the exemption, the surviving spouse shall also provide
2052 documentation that the veteran's death occurred on or after January 1, 2011.

2053 **§ 58.1-3343. Effect of lien on certain real estate jointly owned.**

2054 The lien on real estate owned by more than one person as tenants in common, joint tenants or
2055 otherwise for the payment of all prior, present and subsequent taxes and levies or assessments thereof,
2056 including any tax, levy, or assessment authorized under § 58.1-3712, 58.1-3713, 58.1-3713.4, or
2057 58.1-3741, shall not be impaired if such real estate was or is assessed in the name of one of such
2058 owners with the notation, "and another," or "and others," or "and wife," or "and husband," or "*and*
2059 *spouse*," or the appropriate abbreviations of such words, or their legal equivalents, so as to indicate that
2060 the real estate was or is owned by more than one person.

2061 **§ 58.1-3506.1. Other classification for taxation of certain tangible personal property owned by**
2062 **certain elderly and handicapped persons.**

2063 The governing body of any county, city or town may, by ordinance, levy a tax on one motor vehicle
2064 owned and used primarily by or for anyone at least 65 years of age or anyone found to be permanently
2065 and totally disabled, as defined in § 58.1-3506.3, at a different rate from the tax levied on other tangible
2066 personal property, upon such conditions as the ordinance may prescribe. Such rate shall not exceed the
2067 tangible personal property tax on the general class of tangible personal property. For purposes of this
2068 article, the term motor vehicle shall include only automobiles and pickup trucks. Any such motor
2069 vehicle owned by a ~~husband and wife~~ *married individuals* may qualify if either spouse is 65 or over or
2070 if either spouse is permanently and totally disabled. Notwithstanding any other provision of this section
2071 or article, for any automobile or pickup truck that is (i) a qualifying vehicle, as such term is defined in
2072 § 58.1-3523, and (ii) assessed for tangible personal property taxes by a county, city, or town receiving a
2073 payment from the Commonwealth under Chapter 35.1 of this title (*§ 58.1-3523 et seq.*) for providing
2074 tangible personal property tax relief, the rate of tax levied pursuant to this article shall not exceed the
2075 rates of tax and rates of assessment required under such chapter.

2076 **§ 58.1-3506.2. Restrictions and conditions.**

2077 Any difference in the rates for purposes of this section shall be subject to the following restrictions
2078 and conditions:

2079 1. The total combined income received, excluding the first \$7,500 of income, at the option of the
2080 local government, from all sources during the preceding calendar year by the owner of the motor vehicle
2081 shall not exceed the greater of \$30,000 or the income limits based on family size for the respective
2082 metropolitan statistical area, annually published by the Department of Housing and Urban Development
2083 for qualifying for federal housing assistance pursuant to § 235 of the National Housing Act (12 U.S.C.
2084 § 1715z).

2085 2. The owner's net financial worth, including the present value of all equitable interests, as of
2086 December 31 of the immediately preceding calendar year, excluding the value of the principal residence
2087 and the land, not exceeding one acre, upon which it is situated, shall not exceed \$75,000. The local
2088 government may also exclude such furnishings as furniture, household appliances and other items

typically used in a home.

3. Notwithstanding the provisions of subdivisions 1 and 2 of this section, in Fairfax County and any town adjacent thereto, Arlington County, Chesterfield County, Loudoun County, and Prince William County, or the Cities of Alexandria, Chesapeake, Fairfax, Falls Church, Manassas, Manassas Park, Portsmouth, Suffolk or Virginia Beach, or the Town of Leesburg, the board of supervisors or council may, by ordinance, raise the income and financial worth limitations for any reductions under this article to a maximum of the greater of \$52,000 or the income limits based upon family size for the respective metropolitan statistical area, published annually by the Department of Housing and Urban Development for qualifying for federal housing assistance pursuant to § 235 of the National Housing Act (12 U.S.C. § 1715z), for the total combined income amount, and \$195,000 for the maximum net financial worth amount which shall exclude the value of the principal residence and the land, not exceeding one acre, upon which it is located.

4. All income and net worth limitations shall be computed by aggregating the income and assets, as the case may be, of a husband and wife married individuals who reside in the same dwelling and shall be applied to any owner of the motor vehicle who seeks the benefit of the preferential tax rate permitted under this article, irrespective of how such motor vehicle may be titled.

§ 59.1-332. Conditions on offering items as an inducement to execute.

A. It is unlawful for any person by any means, as part of an advertising program, to offer any item of value as an inducement to the recipient to visit a membership camping operator's campground, attend a sales presentation, or contact a salesperson, unless the person clearly discloses in writing in the offer in readily understandable language each of the following:

1. The name and campground address of the membership camping operator.
2. A general statement that the advertising program is being conducted by a membership camping operator and the purpose of any requested visit.
3. A statement of odds, in ~~arabic~~ Arabic numerals, of receiving each item offered.
4. The approximate retail value of each item offered.
5. The number of campgrounds that are participating in such advertising program.
6. The restrictions, qualifications, and other conditions that must be satisfied before the recipient is entitled to receive the item, including:
 - a. Any deadline, if any, by which the recipient must visit the campground, attend the sales presentation, or contact a salesperson in order to receive the item.
 - b. The approximate duration of any visit and sales presentation.
 - c. The date upon which the offer shall terminate and the final date upon which the gifts or prizes are to be awarded.
 - d. Any other conditions, such as minimum age qualification, a financial qualification, or a requirement that if the recipient is married both ~~husband and wife~~ spouses must be present in order to receive the item.

7. A statement that the membership camping operator reserves the right to provide a rain check or a substitute or like item, if these rights are reserved.

8. All other material rules, terms, and conditions of the offer or program.

B. It is unlawful for any person making an offer subject to subsection A, or any employee or agent of the person, to offer any item if the person knows or has reason to know that the offered item will not be available in a sufficient quantity based on the reasonably anticipated response to the offer.

C. It is unlawful for any person making an offer subject to subsection A, or any employee or agent of the person, to fail to provide any offered item ~~which~~ that any recipient who has responded to the offer in the manner specified in the offer, has performed the requirements disclosed in the offer, and has met the qualifications described in the offer is entitled to receive, unless the offered item is not reasonably available and the offer discloses the reservation of a right to provide a rain check or a like or substitute item if the offered item is unavailable.

D. If the person making an offer subject to subsection A is unable to provide an offered item because of limitations of supply, quantity, or quality not reasonably foreseeable or controllable by the person making the offer, the person making the offer shall inform the recipient of the recipient's right to receive a rain check for the item offered, unless the person making the offer knows or has a reasonable basis for knowing that the item will not be reasonably available at approximately the same price to the person making the offer, and shall inform the recipient of the recipient's right to at least one of the following additional options:

1. The person making the offer will provide a like item of equivalent or greater retail value or a rain check for the item. This option must be offered if the offered item is not reasonably available.
2. The person making the offer will provide a substitute item of equivalent or greater retail value.
3. The person making the offer will provide a rain check for a like or substitute item.

E. If a rain check is provided, the person making an offer subject to subsection A shall, within a

reasonable time, and in any event not more than ~~ninety~~ 90 days after the rain check is provided, deliver the agreed item to the recipient's address without additional cost or obligation to the recipient, unless the item for which the rain check is provided remains unavailable because of limitations of supply, quantity, or quality not reasonably foreseeable or controllable by the person making the offer. If the item is unavailable for these reasons, the person shall, not more than ~~thirty~~ 30 days after the expiration of the aforesaid ~~ninety-day~~ 90-day period, deliver a like item of equal or greater retail value or, if the item is not reasonably available to the person at approximately the same price, a substitute item of equal or greater retail value.

F. On the written request of a recipient who has received or claims a right to receive any offered item, the person making an offer subject to subsection A shall furnish to the recipient sufficient evidence showing that the item provided matches the item randomly or otherwise selected for distribution to that recipient.

G. It is unlawful for any person making an offer subject to subsection A, or any employee or agent of the person, to:

1. Misrepresent the size, quantity, identity, or quality of any prize, gift, money, or other item of value offered.

2. Misrepresent in any manner the odds of receiving any particular gift, prize, amount of money, or other item of value.

3. Label any offer a "notice of termination" or "notice of cancellation."

4. Materially misrepresent, in any manner, the offer; or program.

H. If any provision of this section is in conflict with the provisions of the Prizes and Gifts Act (§ 59.1-415 et seq.), the provisions of the Prizes and Gifts Act shall control.

§ 63.2-510. Obligation of person to support certain children living in same home; penalty.

A person ~~shall be~~ is responsible for the support and maintenance of any child or children living in the same home in which he and the natural or adoptive parent of such child or children cohabit as ~~man and wife~~ spouses and any such person who without cause willfully neglects or refuses or fails to provide for such support and maintenance ~~shall be~~ is guilty of a misdemeanor and upon conviction shall be punished in accordance with the provisions of § 20-61.

A pregnancy or the birth of a child during the time a person occupies the status set out above shall not be required as proof of cohabitation.

The obligations imposed herein shall continue so long as such person occupies the status herein described.

§ 63.2-1519. Physician-patient and spousal privileges inapplicable.

In any legal proceeding resulting from the filing of any report or complaint pursuant to this chapter, the physician-patient and ~~husband-wife~~ spousal privileges shall not apply.

§ 64.2-200. Course of descents generally; right of Commonwealth if no other heir.

A. The real estate of any decedent not effectively disposed of by will descends and passes by intestate succession in the following course:

1. To the surviving spouse of the decedent, unless the decedent is survived by children or their descendants, one or more of whom are not children or their descendants of the surviving spouse, in which case, two-thirds of the estate descends and passes to the decedent's children and their descendants, and one-third of the estate descends and passes to the surviving spouse.

2. If there is no surviving spouse, then the estate descends and passes to the decedent's children and their descendants.

3. If there is none of the foregoing, then to the decedent's parents, or to the surviving parent.

4. If there is none of the foregoing, then to the decedent's ~~brothers and sisters~~ siblings, and their descendants.

5. If there is none of the foregoing, then one-half of the estate descends and passes to the ~~paternal~~ kindred of one of the decedent's parents and one-half descends and passes to the ~~maternal~~ kindred of the ~~decedent~~ other of the decedent's parents in the following course:

a. To the decedent's grandparents, or to the surviving grandparent.

b. If there is none of the foregoing, then to the decedent's uncles and aunts, and their descendants.

c. If there is none of the foregoing, then to the decedent's great-grandparents.

d. If there is none of the foregoing, then to the ~~brothers and sisters~~ siblings of the decedent's grandparents, and their descendants.

e. And so on, in other cases, without end, passing to the nearest lineal ancestors, and the descendants of such ancestors.

B. If there are ~~either no surviving paternal kindred or no surviving maternal kindred of one of the decedent's parents~~, the whole estate descends and passes to the ~~paternal or maternal surviving kindred who survive the decedent of the other of the decedent's parents~~. If there are ~~neither maternal nor paternal~~ no kindred of either parent, the whole estate descends and passes to the kindred of the decedent's most recent spouse, if any, provided that the decedent and the spouse were married at the

time of the spouse's death, as if such spouse had died intestate and entitled to the estate.

C. If there is no other heir of a decedent's real estate, such real estate is subject to escheat to the Commonwealth in accordance with Chapter 10 (§ 55-168 et seq.) of Title 55.

§ 64.2-905. Multiple beneficiaries; separate custodial trusts; survivorship.

A. Beneficial interests in a custodial trust created for multiple beneficiaries are deemed to be separate custodial trusts of equal undivided interests for each beneficiary. Except in a transfer or declaration for use and benefit of ~~husband and wife~~ spouses, for whom survivorship is presumed, a right of survivorship does not exist unless the instrument creating the custodial trust specifically provides for survivorship or survivorship is required as to marital property.

B. Custodial trust property held under this chapter by the same custodial trustee for the use and benefit of the same beneficiary may be administered as a single custodial trust.

C. A custodial trustee of custodial trust property held for more than one beneficiary shall separately account to each beneficiary pursuant to §§ 64.2-906 and 64.2-914 for the administration of the custodial trust.

§ 64.2-2401. Bond; orders as to management of estate; support of dependents.

The court shall require that any conservator appointed pursuant to § 64.2-2400 post a bond in an amount deemed sufficient by the court. The court shall also enter any orders it deems necessary (i) directing the conservator in the management, operation, and control of the estate and (ii) requiring the conservator to make ample and suitable provisions out of the estate in his possession, subject to the rights of creditors, for the support of the absentee's ~~wife~~ spouse and minor children, as well as any other person dependent upon the absentee for support and maintenance. The court shall require the conservator to make reports from time to time as the court may deem expedient.

§ 65.2-512. Compensation to dependents of an employee killed; burial expenses.

A. Except as provided in subsections F, G and H, if death results from the accident within nine years, the employer shall pay, or cause to be paid, compensation in weekly payments equal to ~~66 2/3~~ and two-thirds percent of the employee's average weekly wages, but not more than 100 percent of the average weekly wage of the Commonwealth as defined in § 65.2-500 nor less than 25 percent of the average weekly wage as defined therein:

1. To those persons presumed to be wholly dependent upon the deceased employee as set forth in subdivisions A 1; ~~A and 2; and A 3~~ of § 65.2-515, for a period of 500 weeks from the date of injury; or

2. If there are no total dependents pursuant to subdivision A 1; ~~A or 2; or A 3~~ of § 65.2-515, to those persons presumed to be wholly dependent as set forth in subdivision A 4 3 of § 65.2-515, and to those determined to be wholly dependent in fact, for a period of 400 weeks from the date of injury; or

3. If there are no total dependents, to partial dependents in fact, for a period of 400 weeks from the date of injury.

B. The employer shall also pay burial expenses not exceeding \$10,000 and reasonable transportation expenses for the deceased not exceeding \$1,000.

C. Benefits shall be divided equally among total dependents, to the exclusion of partial dependents. If there are no total dependents, benefits shall be divided among partial dependents according to the dependency of each upon the earnings of the employee at the time of the injury, in the proportion that partial dependency bears to total dependency.

D. If benefits are terminated as to any member of a class herein, that member's share shall be divided among the remaining members of the class proportionately according to their dependency.

E. When weekly payments have been made to an injured employee before his death, the compensation to dependents shall begin from the date of the last of such payments but shall not continue for a period longer than specified in subsection A ~~of this section~~.

F. No benefits shall be paid pursuant to this section to the dependents of an AmeriCorps member as defined in subdivision 1 r of the definition of "employee" in § 65.2-101.

G. No benefits shall be paid pursuant to ~~subsections~~ subsection A, C, D, or E to the dependents of a Food Stamp recipient participating in the work experience component of the Food Stamp Employment and Training Program as defined in subdivision 1 s of the definition of "employee" in § 65.2-101.

H. No benefits shall be paid pursuant to ~~subsections~~ subsection A, C, D, or E to the dependents of a Temporary Assistance for Needy Families recipient participating in the work experience component of the Virginia Initiative for Education and Work as defined in subdivision 1 t of the definition of "employee" in § 65.2-101.

§ 65.2-515. Persons conclusively presumed to be wholly dependent.

A. The following persons shall be conclusively presumed to be dependents wholly dependent for support upon the deceased employee:

1. A ~~wife upon a husband whom she had not voluntarily deserted or abandoned at the time of the accident or with whom she lived at the time of his accident~~, if she is then actually dependent upon him;

2. A ~~husband~~ spouse upon a ~~wife~~ his deceased spouse whom he had not voluntarily deserted at the

2273 time of the accident or with whom he lived at the time of ~~her~~ *the* accident, if he is then actually
2274 dependent upon ~~her~~ *his deceased spouse*;

2275 ~~3-~~ 2. A child under the age of ~~eighteen~~ 18 upon a parent and a child over such age if physically or
2276 mentally incapacitated from earning a livelihood or a child under the age of ~~twenty-three~~ 23 if enrolled
2277 as a full-time student in any accredited educational institution; and

2278 ~~4-~~ 3. Parents in destitute circumstances, provided *that* there ~~be~~ *are* no total dependents pursuant to
2279 other provisions of this section.

2280 B. As used in this section, ~~the term~~ "child" ~~shall include~~ *includes* a stepchild, a legally adopted child,
2281 a posthumous child, and an acknowledged illegitimate child, but ~~shall~~ *does* not include a married child;
2282 and ~~the term~~ "parent" ~~shall include~~ *includes* stepparents and parents by adoption.

2283 **2. That §§ 18.2-365, 20-45.2, and 20-45.3 of the Code of Virginia are repealed.**

2284 **3. That the provisions of this act may result in a net increase in periods of imprisonment or**
2285 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the**
2286 **necessary appropriation cannot be determined for periods of imprisonment in state adult**
2287 **correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia**
2288 **Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to**
2289 **§ 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be**
2290 **determined for periods of commitment to the custody of the Department of Juvenile Justice.**