

20108628D

HOUSE BILL NO. 623

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary
on February 19, 2020)

(Patron Prior to Substitute—Delegate Simon)

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 §§ 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.

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 eligible for a guaranty of credit under the provisions of Title III of an Act of Congress of the United States approved June 22, 1944, entitled the "Servicemen's Readjustment Act of 1944," as now or hereafter amended, or other like federal law, shall be upon complying with the terms of this section,

60 qualified to contract for and purchase any real or personal property with respect to which the guaranteed
 61 loan is to be made, to execute the note or other evidence of the loan indebtedness and to secure the debt
 62 by the execution of a deed of trust or chattel mortgage, or other instrument, upon the real or personal
 63 property acquired as aforesaid in connection with the proposed loan or theretofore acquired by such
 64 person, whether by purchase or otherwise, and such person shall, in all respects, be bound by such
 65 contracts or other instruments entered into as though he ~~or she~~ were of full age.

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

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

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

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

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

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

95 **§ 13.1-435. Corporate securities registered in joint names with right of survivorship.**

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

105 **§ 18.2-19. How accessories after the fact punished; certain exceptions.**

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

112 **§ 18.2-49. Threatening, attempting, or assisting in such abduction; penalty.**

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

118 **§ 18.2-67.5:2. Punishment upon conviction of certain subsequent felony sexual assault.**

119 A. Any person convicted of (i) more than one offense specified in subsection B or (ii) one of the
 120 offenses specified in subsection B of this section and one of the offenses specified in subsection B of
 121 § 18.2-67.5:3 when such offenses were not part of a common act, transaction, or scheme, and who has

122 been at liberty as defined in § 53.1-151 between each conviction shall, upon conviction of the second or
 123 subsequent such offense, be sentenced to the maximum term authorized by statute for such offense, and
 124 shall not have all or any part of such sentence suspended, provided *that* it is admitted, or found by the
 125 jury or judge before whom the person is tried, that he has been previously convicted of at least one of
 126 the specified offenses.

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

128 1. Carnal knowledge of a child between ~~thirteen~~ 13 and ~~fifteen~~ 15 years of age in violation of
 129 § 18.2-63 when the offense is committed by a person over the age of ~~eighteen~~ 18;

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

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

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

133 5. ~~Adultery or fornication~~ *Sexual intercourse* with one's own child or grandchild in violation of
 134 § 18.2-366;

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

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

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

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

145 **§ 18.2-346. Prostitution; commercial sexual conduct; commercial exploitation of a minor;**
 146 **penalties.**

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

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

158 **§ 18.2-362. Person marrying when spouse is living; penalty; venue.**

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

165 **§ 18.2-363. Leaving Commonwealth to evade law against bigamy.**

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

171 **§ 18.2-364. Exceptions to §§ 18.2-362 and 18.2-363.**

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

178 **§ 18.2-366. Sexual intercourse by persons forbidden to marry; incest; penalties.**

179 A. Any person who ~~commits adultery or fornication~~ *engages in sexual intercourse* with any person
 180 whom he ~~or she~~ is forbidden by law to marry shall ~~be is~~ guilty of a Class 1 misdemeanor except as
 181 provided by subsection B.

182 B. Any person who ~~commits adultery or fornication~~ *engages in sexual intercourse* with his daughter

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

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

190 **§ 18.2-368. Placing or leaving spouse for prostitution; penalty.**

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

195 **§ 18.2-417. Slander and libel.**

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

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

206 **§ 19.2-69. Civil action for unlawful interception, disclosure, or use.**

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

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

219 2. Punitive damages; and

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

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

223 **§ 19.2-271.1. Competency of spouses to testify.**

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

226 **§ 19.2-271.2. Testimony of spouses in criminal cases (Subsection (b) of Supreme Court Rule**
 227 **2:504 derived from this section).**

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

240 Except in the prosecution for a criminal offense as set forth in clause (i), (ii), or (iii) above, in any
 241 criminal proceeding, a person has a privilege to refuse to disclose, and to prevent anyone else from
 242 disclosing, any confidential communication between his spouse and him during their marriage, regardless
 243 of whether he is married to that spouse at the time he objects to disclosure. For the purposes of this
 244 section, "confidential communication" means a communication made privately by a person to his spouse

245 that is not intended for disclosure to any other person.

246 **§ 19.2-305. Requiring fines, costs, restitution for damages, support, or community services from**
247 **probationer.**

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

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

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

264 **§ 20-38.1. Certain marriages prohibited.**

265 (a) The following marriages are prohibited:

266 (1) 1. A marriage entered into prior to the dissolution of an earlier marriage of one of the parties;

267 (2) 2. A marriage between an ancestor and descendant, or between a ~~brother and a sister~~ *siblings*,
268 whether the relationship is by the half or the whole blood or by adoption;

269 (3) 3. A marriage between an uncle ~~and a niece~~ or ~~between an aunt and a nephew~~ *or niece*, whether
270 the relationship is by the half or the whole blood.

271 (b) [~~Repealed.~~]

272 **§ 20-40. Punishment for violation of such prohibition; leaving Commonwealth to avoid.**

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

282 **§ 20-43. Bigamous marriages void without decree.**

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

286 **§ 20-82. Spouses competent as witnesses.**

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

290 **§ 20-88.59. Special rules of evidence and procedure.**

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

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

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

301 D. Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of
302 the mother and child, furnished to the adverse party at least 10 days before trial, are admissible in
303 evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and
304 customary.

305 E. Documentary evidence transmitted from outside the Commonwealth to a tribunal of the

306 Commonwealth by telephone, telecopier, or other electronic means that does not provide an original
 307 record may not be excluded from evidence upon an objection based on the means of transmission.

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

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

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

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

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

321 **§ 20-89.1. Suit to annul marriage.**

322 A. When a marriage is alleged to be void or voidable for any of the causes mentioned in § 20-13,
 323 20-38.1, or 20-45.1 or by virtue of fraud or duress, either party may institute a suit for annulling the
 324 same; and upon proof of the nullity of the marriage, it shall be decreed void by a decree of annulment.

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

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

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

343 **§ 20-91. Grounds for divorce from bond of matrimony; contents of decree.**

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

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

346 (2) [Repealed.]

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

351 (4), (5) [Repealed.]

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

355 (7), (8) [Repealed.]

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

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

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

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

378 **§ 20-97. Domicile and residential requirements for suits for annulment, affirmance, or divorce.**

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

384 For the purposes of this section only:

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

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

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

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

402 **§ 20-106. Testimony may be required to be given orally; evidence by affidavit.**

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

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

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

427 2. Verify whether either party is incarcerated;

428 3. Verify the military status of the opposing party and advise whether the opposing party has filed an

429 answer or a waiver of his rights under the federal Servicemembers Civil Relief Act (50 U.S.C. § 3901 et
430 seq.);

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

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

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

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

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

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

443 b. Verify whether either party is incarcerated;

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

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

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

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

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

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

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

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

462 **§ 20-146.31. Hearing and order.**

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

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

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

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

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

474 2. The child custody determination for which enforcement is sought was registered under
475 § 20-146.26, but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so
476 under Article 2 (§ 20-146.12 et seq.) ~~of this chapter~~.

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

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

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

485 **§ 20-165. Surrogate brokers prohibited; penalty; liability of surrogate brokers.**

486 A. It ~~shall be~~ *is* unlawful for any person, firm, corporation, partnership, or other entity to accept
487 compensation for recruiting or procuring surrogates or to accept compensation for otherwise arranging or
488 inducing an intended parent and surrogates to enter into surrogacy contracts in this Commonwealth. A
489 violation of this section shall be punishable as a Class 1 misdemeanor.

490 B. Any person who acts as a surrogate broker in violation of this section shall, in addition, be liable

491 to all the parties to the purported surrogacy contract in a total amount equal to three times the amount
492 of compensation to have been paid to the broker pursuant to the contract. One-half of the damages
493 under this subsection shall be due the surrogate and her spouse, if any, and if ~~he~~ *such spouse* is a party
494 to the contract, and one-half shall be due the intended parent.

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

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

498 **§ 32.1-69.1. Virginia Congenital Anomalies Reporting and Education System.**

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

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

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

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

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

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

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

532 **§ 32.1-127. Regulations.**

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

538 B. Such regulations:

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

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

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

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

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

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

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

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

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

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

609 11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or
610 hospital policies and procedures, to accept emergency telephone and other verbal orders for medication
611 or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute
612 to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable
613 period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and

614 regulations or hospital policies and procedures, by the person giving the order, or, when such person is
615 not available within the period of time specified, co-signed by another physician or other person
616 authorized to give the order;

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

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

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

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

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

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

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

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

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

669 21. Shall require that each hospital that is equipped to provide life-sustaining treatment shall develop
670 a policy governing determination of the medical and ethical appropriateness of proposed medical care,
671 which shall include (i) a process for obtaining a second opinion regarding the medical and ethical
672 appropriateness of proposed medical care in cases in which a physician has determined proposed care to
673 be medically or ethically inappropriate; (ii) provisions for review of the determination that proposed
674 medical care is medically or ethically inappropriate by an interdisciplinary medical review committee

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

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

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

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

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

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

717 **§ 32.1-134.01. Certain information required for maternity patients.**

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

726 **§ 32.1-257. Filing birth certificates; from whom required; signatures of parents.**

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

730 B. When a birth occurs in an institution or en route thereto, the person in charge of such institution
 731 or an authorized designee shall obtain the personal data, and prepare the certificate either on forms
 732 furnished by the State Registrar or by an electronic process as approved by the Board. Such person or
 733 designee shall, if submitting a form, secure the signatures required by the certificate. The physician or
 734 other person in attendance shall provide the medical information required by the certificate within five
 735 days after the birth. The person in charge of the institution or an authorized designee shall certify to the
 736 authenticity of the birth registration either by affixing his signature to the certificate or by an electronic

737 process approved by the Board, and shall file the certificate of birth with the State Registrar within
738 seven days after such birth.

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

742 1. The physician in attendance at or immediately after the birth, or in the absence of such physician,

743 2. Any other person in attendance at or immediately after the birth, or in the absence of such a
744 person,

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

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

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

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

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

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

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

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

782 **§ 32.1-258.1. Certificate of Birth Resulting in Stillbirth; requirements.**

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

791 **§ 32.1-271. Disclosure of information in records; when unlawful; when permitted; proceeding to**
792 **compel disclosure; when certain records made public.**

793 A. To protect the integrity of vital records and to ensure the efficient and proper administration of
794 the system of vital records, it ~~shall be~~ *is* unlawful, notwithstanding the provisions of §§ 2.2-3700
795 through 2.2-3714, for any person to permit inspection of or to disclose information contained in vital
796 records or to copy or issue a copy of all or part of any such vital records except as authorized by this
797 section or regulation of the Board or when so ordered by a court of the Commonwealth.

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

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

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

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

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

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

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

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

848 **§ 37.2-714. Children born in state facilities.**

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

860 **§ 38.2-302. Life, accident, and sickness insurance; application required.**

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

- 865 1. ~~A wife or husband~~ *Either spouse* may effect an insurance contract upon each other;
- 866 2. Any person having an insurable interest in the life of a minor, or any person upon whom a minor
867 is dependent for support and maintenance, may effect an insurance contract upon the life of or
868 pertaining to the minor; or
- 869 3. A corporate employer or an employee benefit trust having the insurable interest described in
870 subdivision *B* 3 of subsection *B* of § 38.2-301, may effect an insurance contract upon the lives of such
871 employees, provided that the employer or trust provides the employee with notice in writing that such
872 insurance has been purchased, the amount of such coverage, and to whom benefits are payable in the
873 event of the employee's death.

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

876 **§ 38.2-2204. Liability insurance on motor vehicles, aircraft, and watercraft; standard provisions;**
877 **"omnibus clause."**

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

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

906 C. For aircraft liability insurance, such policy or contract may contain the exclusions listed in
907 § 38.2-2227. Notwithstanding the provisions of this section or any other provisions of law, no policy or
908 contract shall require pilot experience greater than that prescribed by the Federal Aviation
909 Administration, except for pilots operating air taxis, or pilots operating aircraft applying chemicals, seed,
910 or fertilizer.

911 D. No policy or contract of bodily injury or property damage liability insurance relating to the
912 ownership, maintenance, or use of a motor vehicle shall be issued or delivered in ~~this~~ *the*
913 Commonwealth to the owner of such vehicle or shall be issued or delivered by an insurer licensed in
914 ~~this~~ *the* Commonwealth upon any motor vehicle principally garaged or used in ~~this~~ *the* Commonwealth
915 without an endorsement or provision insuring the named insured, and any other person using or
916 responsible for the use of the motor vehicle with the expressed or implied consent of the named insured,
917 against liability for death or injury sustained, or loss or damage incurred within the coverage of the
918 policy or contract as a result of negligence in the operation or use of the motor vehicle by the named
919 insured or by any other such person; however, nothing contained in this section shall be deemed to
920 prohibit an insurer from limiting its liability under any one policy for bodily injury or property damage

921 resulting from any one accident or occurrence to the liability limits for such coverage set forth in the
 922 policy for any such accident or occurrence or for any one person regardless of the number of insureds
 923 under that policy. Provided that, when one accident or occurrence involves more than one defendant
 924 who is covered by the policy, the plaintiff may recover the per person limit of the policy against each
 925 such defendant, subject to the per accident or occurrence limit of the policy. This provision shall apply
 926 notwithstanding the failure or refusal of the named insured or such other person to cooperate with the
 927 insurer under the terms of the policy. If the failure or refusal to cooperate prejudices the insurer in the
 928 defense of an action for damages arising from the operation or use of such insured motor vehicle, then
 929 the endorsement or provision shall be void. If an insurer has actual notice of a motion for judgment or
 930 complaint having been served on an insured, the mere failure of the insured to turn the motion or
 931 complaint over to the insurer shall not be a defense to the insurer, nor void the endorsement or
 932 provision, nor in any way relieve the insurer of its obligations to the insured, provided the insured
 933 otherwise cooperates and in no way prejudices the insurer.

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

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

949 **§ 38.2-2212. Grounds and procedure for cancellation of or refusal to renew motor vehicle**
 950 **insurance policies; review by Commissioner.**

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

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

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

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

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

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

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

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

982 C. 1. No insurer shall refuse to renew a motor vehicle insurance policy solely because of any one or

983 more of the following factors:

984 a. Age;

985 b. Sex;

986 c. Residence;

987 d. Race;

988 e. Color;

989 f. Creed;

990 g. National origin;

991 h. Ancestry;

992 i. Marital status;

993 j. Lawful occupation, including the military service;

994 k. Lack of driving experience, or number of years driving experience;

995 l. Lack of supporting business or lack of the potential for acquiring such business;

996 m. One or more accidents or violations that occurred more than 48 months immediately preceding

997 the upcoming anniversary date;

998 n. One or more claims submitted under the uninsured motorists coverage of the policy where the

999 uninsured motorist is known or there is physical evidence of contact;

1000 o. A single claim by a single insured submitted under the medical expense coverage due to an

1001 accident for which the insured was neither wholly nor partially at fault;

1002 p. One or more claims submitted under the comprehensive or towing coverages. However, nothing in

1003 this section shall prohibit an insurer from modifying or refusing to renew the comprehensive or towing

1004 coverages at the time of renewal of the policy on the basis of one or more claims submitted by an

1005 insured under those coverages, provided that the insurer shall mail or deliver to the insured at the

1006 address shown in the policy, or deliver electronically to the address provided by the named insured,

1007 written notice of any such change in coverage at least 45 days prior to the renewal;

1008 q. Two or fewer motor vehicle accidents within a three-year period unless the accident was caused

1009 either wholly or partially by the named insured, a resident of the same household, or other customary

1010 operator;

1011 r. Credit information contained in a "consumer report," as defined in the federal Fair Credit

1012 Reporting Act, 15 U.S.C. § 1681 et seq., bearing on a natural person's creditworthiness, credit standing

1013 or credit capacity. If credit information is used, in part, as the basis for the nonrenewal, such credit

1014 information shall be based on a consumer report procured within 120 days from the effective date of the

1015 nonrenewal. The provisions of this subdivision shall apply only to insurance purchased primarily for

1016 personal, family, or household purposes;

1017 s. The refusal of a motor vehicle owner as defined in § 46.2-1088.6 to provide access to recorded

1018 data from a recording device as defined in § 46.2-1088.6; or

1019 t. The status of the person as a foster care provider or a person in foster care.

1020 2. Nothing in this section shall require any insurer to renew a policy for an insured where the

1021 insured's occupation has changed so as to materially increase the risk. Nothing contained in subdivisions

1022 1 n, o, and p shall prohibit an insurer from refusing to renew a policy where a claim is false or

1023 fraudulent. Nothing in this section prohibits any insurer from setting rates in accordance with relevant

1024 actuarial data.

1025 D. No insurer shall cancel a policy except for one or more of the following reasons:

1026 1. The named insured or any other operator who either resides in the same household or customarily

1027 operates a motor vehicle insured under the policy has had his driver's license suspended or revoked

1028 during the policy period or, if the policy is a renewal, during its policy period or the 90 days

1029 immediately preceding the last effective date.

1030 2. The named insured fails to pay the premium for the policy or any installment of the premium,

1031 whether payable to the insurer or its agent either directly or indirectly under any premium finance plan

1032 or extension of credit.

1033 3. The named insured or his duly constituted attorney-in-fact has notified the insurer of a change in

1034 the insured's legal residence to a state other than Virginia and the insured vehicle will be principally

1035 garaged in the new state of legal residence.

1036 E. No cancellation or refusal to renew by an insurer of a policy of motor vehicle insurance shall be

1037 effective unless the insurer delivers or mails to the named insured at the address shown in the policy a

1038 written notice of the cancellation or refusal to renew, or the insurer delivers such notice electronically to

1039 the address provided by the named insured. The notice shall:

1040 1. Be in a type size authorized under § 38.2-311.

1041 2. State the effective date of the cancellation or refusal to renew. The effective date of cancellation

1042 or refusal to renew shall be at least 45 days after mailing or delivering to the insured the notice of

1043 cancellation or notice of refusal to renew. However, when the policy is being canceled or not renewed

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1044 for the reason set forth in subdivision D 2 the effective date may be less than 45 days but at least 15
1045 days from the date of mailing or delivery.

1046 3. State the specific reason of the insurer for cancellation or refusal to renew and provide for the
1047 notification required by §§ 38.2-608, 38.2-609, and subsection B of § 38.2-610. However, those
1048 notification requirements shall not apply when the policy is being canceled or not renewed for the
1049 reason set forth in subdivision D 2.

1050 4. Inform the insured of his right to request in writing within 15 days of the receipt of the notice that
1051 the Commissioner review the action of the insurer.

1052 The notice of cancellation or refusal to renew shall contain the following statement to inform the
1053 insured of such right:

1054 **IMPORTANT NOTICE**

1055 Within 15 days of receiving this notice, you or your attorney may request in writing that the
1056 Commissioner of Insurance review this action to determine whether the insurer has complied with
1057 Virginia laws in canceling or nonrenewing your policy. If this insurer has failed to comply with the
1058 cancellation or nonrenewal laws, the Commissioner may require that your policy be reinstated. However,
1059 the Commissioner is prohibited from making underwriting judgments. If this insurer has complied with
1060 the cancellation or nonrenewal laws, the Commissioner does not have the authority to overturn this
1061 action.

1062 5. Inform the insured of the possible availability of other insurance which may be obtained through
1063 his agent, through another insurer, or through the Virginia Automobile Insurance Plan.

1064 6. If sent by mail or delivered electronically, comply with the provisions of § 38.2-2208.

1065 Nothing in this subsection prohibits any insurer or agent from including in the notice of cancellation
1066 or refusal to renew, any additional disclosure statements required by state or federal laws, or any
1067 additional information relating to the availability of other insurance.

1068 F. Nothing in this section shall apply:

1069 1. If the insurer or its agent acting on behalf of the insurer has manifested its willingness to renew
1070 by issuing or offering to issue a renewal policy, certificate, or other evidence of renewal, or has
1071 manifested its willingness to renew in writing to the insured. The written manifestation shall include the
1072 name of a proposed insurer, the expiration date of the policy, the type of insurance coverage, and
1073 information regarding the estimated renewal premium. The insurer shall retain a copy of each written
1074 manifestation for a period of at least one year from the expiration date of any policy that is not
1075 renewed;

1076 2. If the named insured, or his duly constituted attorney-in-fact, has notified the insurer or its agent
1077 orally, or in writing, if the insurer requires such notification to be in writing, that he wishes the policy
1078 to be canceled or that he does not wish the policy to be renewed, or if prior to the date of expiration he
1079 fails to accept the offer of the insurer to renew the policy;

1080 3. To any motor vehicle insurance policy which has been in effect less than 60 days when the
1081 termination notice is mailed or delivered to the insured, unless it is a renewal policy; or

1082 4. If an affiliated insurer has manifested its willingness to provide coverage at a lower premium than
1083 would have been charged for the same exposures on the expiring policy. The affiliated insurer shall
1084 manifest its willingness to provide coverage by issuing a policy with the types and limits of coverage at
1085 least equal to those contained in the expiring policy unless the named insured has requested a change in
1086 coverage or limits. When such offer is made by an affiliated insurer, an offer of renewal shall not be
1087 required of the insurer of the expiring policy, and the policy issued by the affiliated insurer shall be
1088 deemed to be a renewal policy.

1089 G. There shall be no liability on the part of and no cause of action of any nature shall arise against
1090 the Commissioner or his subordinates; any insurer, its authorized representatives, its agents, or its
1091 employees; or any person furnishing to the insurer information as to reasons for cancellation or refusal
1092 to renew, for any statement made by any of them in complying with this section or for providing
1093 information pertaining to the cancellation or refusal to renew. For the purposes of this section, no
1094 insurer shall be required to furnish a notice of cancellation or refusal to renew to anyone other than the
1095 named insured, any person designated by the named insured, or any other person to whom such notice
1096 is required to be given by the terms of the policy and the Commissioner.

1097 H. Within 15 days of receipt of the notice of cancellation or refusal to renew, any insured or his
1098 attorney shall be entitled to request in writing to the Commissioner that he review the action of the
1099 insurer in canceling or refusing to renew the policy of the insured. Upon receipt of the request, the
1100 Commissioner shall promptly begin a review to determine whether the insurer's cancellation or refusal to
1101 renew complies with the requirements of this section and of § 38.2-2208 if the notice was sent by mail
1102 or delivered electronically. The policy shall remain in full force and effect during the pendency of the
1103 review by the Commissioner except where the cancellation or refusal to renew is for the reason set forth
1104 in subdivision D 2, in which case the policy shall terminate as of the effective date stated in the notice.
1105 Where the Commissioner finds from the review that the cancellation or refusal to renew has not

1106 complied with the requirements of this section or of § 38.2-2208, he shall immediately notify the
1107 insurer, the insured and any other person to whom such notice was required to be given by the terms of
1108 the policy that the cancellation or refusal to renew is not effective. Nothing in this section authorizes the
1109 Commissioner to substitute his judgment as to underwriting for that of the insurer. Where the
1110 Commissioner finds in favor of the insured, the Commission in its discretion may award the insured
1111 reasonable ~~attorneys'~~ attorney fees.

1112 I. Each insurer shall maintain for at least one year, records of cancellation and refusal to renew and
1113 copies of every notice or statement referred to in subsection E that it sends to any of its insureds.

1114 J. The provisions of this section shall not apply to any insurer that limits the issuance of policies of
1115 motor vehicle liability insurance to one class or group of persons engaged in any one particular
1116 profession, trade, occupation, or business. Nothing in this section requires an insurer to renew a policy
1117 of motor vehicle insurance if the insured does not conform to the occupational or membership
1118 requirements of an insurer who limits its writings to an occupation or membership of an organization.
1119 No insurer is required to renew a policy if the insured becomes a nonresident of Virginia.

1120 K. Notwithstanding any other provision of this section, a motor vehicle insurance policy with a
1121 policy period or term of five months or less may expire at its expiration date when the insurer has
1122 manifested in writing its willingness to renew the policy for at least 30 days and has mailed or delivered
1123 the written manifestation to the insured at least 15 days before the expiration date of the policy. The
1124 written manifestation shall include the name of the proposed insurer, the expiration date of the policy,
1125 the type of insurance coverage, and the estimated renewal premium. The insurer shall retain a copy of
1126 the written manifestation for at least one year from the expiration date of any policy that is not renewed.

1127 **§ 38.2-4019. Beneficiaries.**

1128 No person other than a ~~wife, husband~~ spouse, relative by blood to the fourth degree, ~~father-in-law,~~
1129 ~~mother-in-law~~ parent-in-law, ~~son-in-law,~~ daughter-in-law child-in-law, ~~stepfather,~~ ~~stepmother~~ stepparent,
1130 stepchild, or child by legal adoption of the member, or one who is dependent upon the member or one
1131 who has an insurable interest in the life of the member as described in § 38.2-301, shall be named a
1132 beneficiary of the member's certificate. Within the above limitations, each member shall have the right
1133 to designate his beneficiary and to change his beneficiary, upon due notice to the society. If the
1134 beneficiary is not living or if no allowable beneficiary has been designated, any proceeds otherwise
1135 payable shall be payable to the member's estate.

1136 **§ 58.1-322.02. Virginia taxable income; subtractions.**

1137 In computing Virginia taxable income pursuant to § 58.1-322, to the extent included in federal
1138 adjusted gross income, there shall be subtracted:

1139 1. Income derived from obligations, or on the sale or exchange of obligations, of the United States
1140 and on obligations or securities of any authority, commission, or instrumentality of the United States to
1141 the extent exempt from state income taxes under the laws of the United States, including, but not
1142 limited to, stocks, bonds, treasury bills, and treasury notes but not including interest on refunds of
1143 federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

1144 2. Income derived from obligations, or on the sale or exchange of obligations, of the Commonwealth
1145 or of any political subdivision or instrumentality of the Commonwealth.

1146 3. Benefits received under Title II of the Social Security Act and other benefits subject to federal
1147 income taxation solely pursuant to § 86 of the Internal Revenue Code.

1148 4. Up to \$20,000 of disability income, as defined in § 22(c)(2)(B)(iii) of the Internal Revenue Code;
1149 however, any person who claims a deduction under subdivision 5 of § 58.1-322.03 may not also claim a
1150 subtraction under this subdivision.

1151 5. The amount of any refund or credit for overpayment of income taxes imposed by the
1152 Commonwealth or any other taxing jurisdiction.

1153 6. The amount of wages or salaries eligible for the federal Work Opportunity Credit which was not
1154 deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

1155 7. Any amount included therein less than \$600 from a prize awarded by the Virginia Lottery.

1156 8. The wages or salaries received by any person for active and inactive service in the National Guard
1157 of the Commonwealth of Virginia, not to exceed the amount of income derived from 39 calendar days
1158 of such service or \$3,000, whichever amount is less; however, only those persons in the ranks of O3
1159 and below shall be entitled to the deductions specified in this subdivision.

1160 9. Amounts received by an individual, not to exceed \$1,000 in any taxable year, as a reward for
1161 information provided to a law-enforcement official or agency, or to a nonprofit corporation created
1162 exclusively to assist such law-enforcement official or agency, in the apprehension and conviction of
1163 perpetrators of crimes. This subdivision shall not apply to the following: an individual who is an
1164 employee of, or under contract with, a law-enforcement agency, a victim, or the perpetrator of the crime
1165 for which the reward was paid, or any person who is compensated for the investigation of crimes or
1166 accidents.

1167 10. The amount of "qualified research expenses" or "basic research expenses" eligible for deduction
1168 for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the
1169 Internal Revenue Code and which shall be available to partners, shareholders of S corporations, and
1170 members of limited liability companies to the extent and in the same manner as other deductions may
1171 pass through to such partners, shareholders, and members.

1172 11. Any income received during the taxable year derived from a qualified pension, profit-sharing, or
1173 stock bonus plan as described by § 401 of the Internal Revenue Code, an individual retirement account
1174 or annuity established under § 408 of the Internal Revenue Code, a deferred compensation plan as
1175 defined by § 457 of the Internal Revenue Code, or any federal government retirement program, the
1176 contributions to which were deductible from the taxpayer's federal adjusted gross income, but only to the
1177 extent the contributions to such plan or program were subject to taxation under the income tax in
1178 another state.

1179 12. Any income attributable to a distribution of benefits or a refund from a prepaid tuition contract
1180 or savings trust account with the Virginia College Savings Plan, created pursuant to Chapter 7
1181 (§ 23.1-700 et seq.) of Title 23.1. The subtraction for any income attributable to a refund shall be
1182 limited to income attributable to a refund in the event of a beneficiary's death, disability, or receipt of a
1183 scholarship.

1184 13. All military pay and allowances, to the extent included in federal adjusted gross income and not
1185 otherwise subtracted, deducted, or exempted under this section, earned by military personnel while
1186 serving by order of the President of the United States with the consent of Congress in a combat zone or
1187 qualified hazardous duty area that is treated as a combat zone for federal tax purposes pursuant to § 112
1188 of the Internal Revenue Code.

1189 14. For taxable years beginning before January 1, 2015, the gain derived from the sale or exchange
1190 of real property or the sale or exchange of an easement to real property which results in the real
1191 property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230,
1192 for a period of time not less than 30 years. To the extent that a subtraction is taken in accordance with
1193 this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed
1194 for three years following the year in which the subtraction is taken.

1195 15. Fifteen thousand dollars of military basic pay for military service personnel on extended active
1196 duty for periods in excess of 90 days; however, the subtraction amount shall be reduced dollar-for-dollar
1197 by the amount by which the taxpayer's military basic pay exceeds \$15,000 and shall be reduced to zero
1198 if such military basic pay amount is equal to or exceeds \$30,000.

1199 16. The first \$15,000 of salary for each federal and state employee whose total annual salary from all
1200 employment for the taxable year is \$15,000 or less.

1201 17. Unemployment benefits taxable pursuant to § 85 of the Internal Revenue Code.

1202 18. Any amount received as military retirement income by an individual awarded the Congressional
1203 Medal of Honor.

1204 19. Items of income attributable to, derived from, or in any way related to (i) assets stolen from,
1205 hidden from, or otherwise lost by an individual who was a victim or target of Nazi persecution or (ii)
1206 damages, reparations, or other consideration received by a victim or target of Nazi persecution to
1207 compensate such individual for performing labor against his will under the threat of death, during World
1208 War II and its prelude and direct aftermath. This subtraction shall not apply to assets acquired with such
1209 items of income or with the proceeds from the sale of assets stolen from, hidden from, or otherwise lost
1210 to, during World War II and its prelude and direct aftermath, a victim or target of Nazi persecution. The
1211 provisions of this subdivision shall only apply to an individual who was the first recipient of such items
1212 of income and who was a victim or target of Nazi persecution, or a spouse, ~~widow, widower~~ *surviving*
1213 *spouse*, or child or stepchild of such victim.

1214 As used in this subdivision:

1215 "Nazi regime" means the country of Nazi Germany, areas occupied by Nazi Germany, those
1216 European countries allied with Nazi Germany, or any other neutral European country or area in Europe
1217 under the influence or threat of Nazi invasion.

1218 "Victim or target of Nazi persecution" means any individual persecuted or targeted for persecution by
1219 the Nazi regime who had assets stolen from, hidden from, or otherwise lost as a result of any act or
1220 omission in any way relating to (i) the Holocaust, (ii) World War II and its prelude and direct aftermath,
1221 (iii) transactions with or actions of the Nazi regime, (iv) treatment of refugees fleeing Nazi persecution,
1222 or (v) the holding of such assets by entities or persons in the Swiss Confederation during World War II
1223 and its prelude and aftermath. A "victim or target of Nazi persecution" also includes any individual
1224 forced into labor against his will, under the threat of death, during World War II and its prelude and
1225 direct aftermath.

1226 20. The military death gratuity payment made after September 11, 2001, to the survivor of deceased
1227 military personnel killed in the line of duty, pursuant to 10 U.S.C. Chapter 75; however, the subtraction
1228 amount shall be reduced dollar-for-dollar by the amount that the survivor may exclude from his federal

1229 gross income in accordance with § 134 of the Internal Revenue Code.

1230 21. The death benefit payments from an annuity contract that are received by a beneficiary of such
 1231 contract, provided that (i) the death benefit payment is made pursuant to an annuity contract with an
 1232 insurance company and (ii) the death benefit payment is paid solely by lump sum. The subtraction under
 1233 this subdivision shall be allowed only for that portion of the death benefit payment that is included in
 1234 federal adjusted gross income.

1235 22. Any gain recognized from the sale of launch services to space flight participants, as defined in
 1236 49 U.S.C. § 70102, or launch services intended to provide individuals with the training or experience of
 1237 a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch
 1238 services must be performed in Virginia or originate from an airport or spaceport in Virginia.

1239 23. Any gain recognized as a result of resupply services contracts for delivering payload, as defined
 1240 in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the
 1241 National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8,
 1242 and launched from an airport or spaceport in Virginia.

1243 24. Any income taxed as a long-term capital gain for federal income tax purposes, or any income
 1244 taxed as investment services partnership interest income (otherwise known as investment partnership
 1245 carried interest income) for federal income tax purposes. To qualify for a subtraction under this
 1246 subdivision, such income shall be attributable to an investment in a "qualified business," as defined in
 1247 § 58.1-339.4, or in any other technology business approved by the Secretary of Technology, provided
 1248 that the business has its principal office or facility in the Commonwealth and less than \$3 million in
 1249 annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this
 1250 subdivision, the investment shall be made between the dates of April 1, 2010, and June 30, 2020. No
 1251 taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4
 1252 shall be eligible for the subtraction under this subdivision for an investment in the same business.

1253 25. For taxable years beginning on and after January 1, 2014, any income of an account holder for
 1254 the taxable year taxed as (i) a capital gain for federal income tax purposes attributable to such person's
 1255 first-time home buyer savings account established pursuant to Chapter 12 (§ 36-171 et seq.) of Title 36
 1256 and (ii) interest income or other income for federal income tax purposes attributable to such person's
 1257 first-time home buyer savings account.

1258 Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any subtraction
 1259 taken under this subdivision shall be subject to recapture in the taxable year or years in which moneys
 1260 or funds withdrawn from the first-time home buyer savings account were used for any purpose other
 1261 than the payment of eligible costs by or on behalf of a qualified beneficiary, as provided under
 1262 § 36-174. The amount subject to recapture shall be a portion of the amount withdrawn in the taxable
 1263 year that was used for other than the payment of eligible costs, computed by multiplying the amount
 1264 withdrawn and used for other than the payment of eligible costs by the ratio of the aggregate earnings in
 1265 the account at the time of the withdrawal to the total balance in the account at such time.

1266 However, recapture shall not apply to the extent of moneys or funds withdrawn that were (i)
 1267 withdrawn by reason of the qualified beneficiary's death or disability; (ii) a disbursement of assets of the
 1268 account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. §§ 101
 1269 through 1330; or (iii) transferred from an account established pursuant to Chapter 12 (§ 36-171 et seq.)
 1270 of Title 36 into another account established pursuant to such chapter for the benefit of another qualified
 1271 beneficiary.

1272 For purposes of this subdivision, "account holder," "eligible costs," "first-time home buyer savings
 1273 account," and "qualified beneficiary" mean the same as those terms are defined in § 36-171.

1274 26. For taxable years beginning on and after January 1, 2015, any income for the taxable year
 1275 attributable to the discharge of a student loan solely by reason of the student's death. For purposes of
 1276 this subdivision, "student loan" means the same as that term is defined under § 108(f) of the Internal
 1277 Revenue Code.

1278 27. a. Income, including investment services partnership interest income (otherwise known as
 1279 investment partnership carried interest income), attributable to an investment in a Virginia venture
 1280 capital account. To qualify for a subtraction under this subdivision, the investment shall be made on or
 1281 after January 1, 2018, but before December 31, 2023. No subtraction shall be allowed under this
 1282 subdivision for an investment in a company that is owned or operated by a family member or an
 1283 affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has
 1284 claimed a subtraction under subdivision 24 or a tax credit under § 58.1-339.4 for the same investment.

1285 b. As used in this subdivision 27:

1286 "Qualified portfolio company" means a company that (i) has its principal place of business in the
 1287 Commonwealth; (ii) has a primary purpose of production, sale, research, or development of a product or
 1288 service other than the management or investment of capital; and (iii) provides equity in the company to
 1289 the Virginia venture capital account in exchange for a capital investment. "Qualified portfolio company"

1290 does not include a company that is an individual or sole proprietorship.

1291 "Virginia venture capital account" means an investment fund that has been certified by the
 1292 Department as a Virginia venture capital account. In order to be certified as a Virginia venture capital
 1293 account, the operator of the investment fund shall register the investment fund with the Department prior
 1294 to December 31, 2023, (i) indicating that it intends to invest at least 50 percent of the capital committed
 1295 to its fund in qualified portfolio companies and (ii) providing documentation that it employs at least one
 1296 investor who has at least four years of professional experience in venture capital investment or
 1297 substantially equivalent experience. "Substantially equivalent experience" includes, but is not limited to,
 1298 an undergraduate degree from an accredited college or university in economics, finance, or a similar
 1299 field of study. The Department may require an investment fund to provide documentation of the
 1300 investor's training, education, or experience as deemed necessary by the Department to determine
 1301 substantial equivalency. If the Department determines that the investment fund employs at least one
 1302 investor with the experience set forth herein, the Department shall certify the investment fund as a
 1303 Virginia venture capital account at such time as the investment fund actually invests at least 50 percent
 1304 of the capital committed to its fund in qualified portfolio companies.

1305 28. a. Income attributable to an investment in a Virginia real estate investment trust. To qualify for a
 1306 subtraction under this subdivision, the investment shall be made on or after January 1, 2019, but before
 1307 December 31, 2024. No subtraction shall be allowed for an investment in a trust that is managed by a
 1308 family member or an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for
 1309 a taxpayer who has claimed a subtraction under subdivision 24 or 27 or a tax credit under § 58.1-339.4
 1310 for the same investment.

1311 b. As used in this subdivision 28:

1312 "Distressed" means satisfying the criteria applicable to a locality described in subdivision E 2 of
 1313 § 2.2-115.

1314 "Double distressed" means satisfying the criteria applicable to a locality described in subdivision E 3
 1315 of § 2.2-115.

1316 "Virginia real estate investment trust" means a real estate investment trust, as defined in 26 U.S.C.
 1317 § 856, that has been certified by the Department as a Virginia real estate investment trust. In order to be
 1318 certified as a Virginia real estate investment trust, the trustee shall register the trust with the Department
 1319 prior to December 31, 2024, indicating that it intends to invest at least 90 percent of trust funds in
 1320 Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double
 1321 distressed. If the Department determines that the trust satisfies the preceding criteria, the Department
 1322 shall certify the trust as a Virginia real estate investment trust at such time as the trust actually invests
 1323 at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in
 1324 localities that are distressed or double distressed.

1325 29. For taxable years beginning on and after January 1, 2019, any gain recognized from the taking of
 1326 real property by condemnation proceedings.

1327 **§ 58.1-324. Married individuals.**

1328 A. If the federal taxable income of ~~husband or wife~~ *married individuals* is determined on a separate
 1329 federal ~~return~~ *returns*, their Virginia taxable incomes shall be separately determined.

1330 B. If the federal taxable income of ~~husband and wife~~ *married individuals* is determined on a joint
 1331 federal return, or if neither files a federal return:

1332 1. Their tax shall be determined on their joint Virginia taxable income; or

1333 2. Separate taxes may be determined on their separate Virginia taxable incomes if they so elect.

1334 C. Where ~~husband and wife~~ *married individuals* have not separately reported and claimed items of
 1335 income, exemptions and deductions for federal income tax purposes, and have not elected to file a joint
 1336 Virginia income tax return, such items allowable for Virginia income tax purposes shall be allocated and
 1337 adjusted as follows:

1338 1. Income shall be allocated to the spouse who earned the income or with respect to whose property
 1339 the income is attributable.

1340 2. Allowable deductions with respect to trade, business, production of income, or employment shall
 1341 be allocated to the spouse to whom attributable.

1342 3. Nonbusiness deductions, where properly taken for federal income tax purposes, shall be allowable
 1343 for Virginia income tax purposes, but shall be allocable between ~~husband and wife~~ *married individuals*
 1344 as they may mutually agree. For this purpose, "nonbusiness deductions" consist of allowable deductions
 1345 not described in subdivision 2.

1346 4. Where the standard deduction or low income allowance is properly taken pursuant to subdivision 1
 1347 a of § 58.1-322.03, such deduction or allowance shall be allocable between ~~husband and wife~~ *married*
 1348 *individuals* as they may mutually agree.

1349 5. Personal exemptions properly allowable for federal income tax purposes shall be allocated for
 1350 Virginia income tax purposes as ~~husband and wife~~ *married individuals* may mutually agree; however,
 1351 exemptions for taxpayer and spouse together with exemptions for old age and blindness must be

1352 allocated respectively to the spouse to whom they relate.

1353 D. Where allocations are permitted to be made under subsection C pursuant to agreement between
 1354 ~~husband and wife~~ *married individuals*, and ~~husband and wife~~ *they* have failed to agree as to those
 1355 allocations, such allocations shall be made between ~~husband and wife~~ *them* in a manner corresponding
 1356 to the treatment for federal income tax purposes of the items involved, under regulations prescribed by
 1357 the Department.

1358 **§ 58.1-326. Married individuals when one nonresident.**

1359 If ~~husband or wife~~ *either spouse* is a resident and the other *spouse* is a nonresident, separate taxes
 1360 shall be determined on their separate Virginia taxable incomes on such single or separate forms as may
 1361 be required by the Department, unless both elect to determine their joint Virginia taxable income as if
 1362 both were residents.

1363 **§ 58.1-339.8. Income tax credit for low-income taxpayers.**

1364 A. As used in this section, unless the context requires otherwise:

1365 "Family Virginia adjusted gross income" means the combined Virginia adjusted gross income of an
 1366 individual, the individual's spouse, and any person claimed as a dependent on the individual's or his
 1367 spouse's income tax return for the taxable year.

1368 "Poverty guidelines" means the poverty guidelines for the 48 contiguous states and the District of
 1369 Columbia updated annually in the Federal Register by the U.S. Department of Health and Human
 1370 Services under the authority of § 673(2) of the Omnibus Budget Reconciliation Act of 1981.

1371 "Virginia adjusted gross income" has the same meaning as the term is defined in § 58.1-321.

1372 B. 1. For taxable years beginning on and after January 1, 2000, any individual or persons filing a
 1373 joint return whose family Virginia adjusted gross income does not exceed 100 percent of the poverty
 1374 guideline amount corresponding to a household of an equal number of persons as listed in the poverty
 1375 guidelines published during such taxable year, shall be allowed a credit against the tax levied pursuant
 1376 to § 58.1-320 in an amount equal to \$300 each for the individual, the individual's spouse, and any
 1377 person claimed as a dependent on the individual's or married ~~persons'~~ *individuals'* income tax return for
 1378 the taxable year. For any taxable year in which a ~~husband and wife~~ *married individuals* file separate
 1379 Virginia income tax returns, the credit provided under this section shall be allowed against the tax for
 1380 only one of such two tax returns. Additionally, the credit provided under this section shall not be
 1381 allowed against such tax of a dependent of the individual or of married ~~persons~~ *individuals*.

1382 2. For taxable years beginning on and after January 1, 2006, any individual or married ~~persons~~
 1383 *individuals*, eligible for a tax credit pursuant to § 32 of the Internal Revenue Code, may for the taxable
 1384 year, in lieu of the credit authorized under subdivision B 1, claim a credit against the tax imposed
 1385 pursuant to § 58.1-320 in an amount equal to 20 percent of the credit claimed by the individual or
 1386 married ~~persons~~ *individuals* for federal individual income taxes pursuant to § 32 of the Internal Revenue
 1387 Code for the taxable year. In no case shall a household be allowed a credit pursuant to this subdivision
 1388 and subdivision B 1 for the same taxable year.

1389 For the purpose of this subdivision, "household" means an individual and, in the case of married
 1390 ~~persons~~ *individuals*, the individual and his spouse regardless of whether or not the individual and his
 1391 spouse file combined or separate Virginia individual income tax returns.

1392 C. The amount of the credit provided pursuant to subsection B for any taxable year shall not exceed
 1393 the individual's or married ~~persons'~~ *individuals'* Virginia income tax liability.

1394 D. Notwithstanding any other provision of this section, no credit shall be allowed pursuant to
 1395 subsection B in any taxable year in which the individual, the individual's spouse, or both, or any person
 1396 claimed as a dependent on such individual's or married ~~persons'~~ *individuals'* income tax return, claims
 1397 one or any combination of the following on his or their income tax return for such taxable year:

- 1398 1. The subtraction under subdivision 8 of § 58.1-322.02;
- 1399 2. The subtraction under subdivision 15 of § 58.1-322.02;
- 1400 3. The subtraction under subdivision 16 of § 58.1-322.02;
- 1401 4. The deduction for the additional personal exemption for blind or aged taxpayers under subdivision
 1402 2 b of § 58.1-322.03; or
- 1403 5. The deduction under subdivision 5 of § 58.1-322.03.

1404 **§ 58.1-341. Returns of individuals.**

1405 A. On or before May 1 of each year if an individual's taxable year is the calendar year, or on or
 1406 before the fifteenth day of the fourth month following the close of a taxable year other than the calendar
 1407 year, an income tax return under this chapter shall be made and filed by or for:

1408 1. Every resident individual, except as provided in § 58.1-321, required to file a federal income tax
 1409 return for the taxable year, or having Virginia taxable income for the taxable year;

1410 2. Every nonresident individual having Virginia taxable income for the taxable year, except as
 1411 provided in § 58.1-321.

1412 Notwithstanding the foregoing, every member of the armed services of the United States deployed

1413 outside of the United States shall be allowed an automatic extension to file an income tax return. Such
 1414 extension shall expire 90 days following the completion of such member's deployment. For purposes of
 1415 this section, "the armed services of the United States" includes active duty service with the regular
 1416 Armed Forces of the United States or the National Guard or other reserve component.

1417 B. If the federal income tax liability of ~~husband or wife~~ *either spouse* is determined on a separate
 1418 federal return, their Virginia income tax liabilities and returns shall be separate. If the federal income tax
 1419 liabilities of ~~husband and wife~~ *married individuals* (other than a ~~husband and wife~~ *married individuals*
 1420 described in subdivision A 2 of ~~subsection A~~) are determined on a joint federal return, or if neither files
 1421 a federal return:

1422 1. They shall file a joint Virginia income tax return, and their tax liabilities shall be joint and
 1423 several; or

1424 2. They may elect to file separate Virginia income tax returns if they comply with the requirements
 1425 of the Department in setting forth information (whether or not on a single form), in which event their
 1426 tax liabilities shall be separate unless such ~~husband and wife~~ *married individuals* file separately on a
 1427 combined return. The election permitted under this subsection may be made or changed at any time
 1428 within three years from the last day prescribed by law for the timely filing of the return.

1429 C. If either ~~husband or wife~~ *spouse* is a resident and the other is a nonresident, they shall file
 1430 separate Virginia income tax returns on such single or separate forms as may be required by the
 1431 Department, in which event their tax liabilities shall be separate except as provided in subsection D,
 1432 unless both elect to determine their joint Virginia taxable income as if both were residents, in which
 1433 event their tax liabilities shall be joint and several.

1434 D. If ~~husband and wife~~ *married individuals* file separate Virginia income tax returns on a single form
 1435 pursuant to subsection B or C, and:

1436 1. If the sum of the payments by either spouse, including withheld and estimated taxes, exceeds the
 1437 amount of the tax for which such spouse is separately liable, the excess may be applied by the
 1438 Department to the credit of the other spouse if the sum of the payments by such other spouse, including
 1439 withheld and estimated taxes, is less than the amount of the tax for which such other spouse is
 1440 separately liable;

1441 2. If the sum of the payments made by both spouses with respect to the taxes for which they are
 1442 separately liable, including withheld and estimated taxes, exceeds the total of the taxes due, refund of
 1443 the excess may be made payable to both spouses.

1444 The provisions of this subsection shall not apply if the return of either spouse includes a demand that
 1445 any overpayment made by him ~~or her~~ shall be applied only on account of his ~~or her~~ separate liability.

1446 E. The return for any deceased individual shall be made and filed by his executor, administrator, or
 1447 other person charged with his property.

1448 F. The return for an individual who is unable to make a return by reason of minority or other
 1449 disability shall be made and filed by his guardian, committee, fiduciary or other person charged with the
 1450 care of his person or property (other than a receiver in possession of only a part of his property), or by
 1451 his duly authorized agent.

1452 **§ 58.1-344.3. Voluntary contributions of refunds requirements.**

1453 A. 1. For taxable years beginning on and after January 1, 2005, all entities entitled to voluntary
 1454 contributions of tax refunds listed in subsections B and C must have received at least \$10,000 in
 1455 contributions in each of the three previous taxable years for which there is complete data and in which
 1456 such entity was listed on the individual income tax return.

1457 2. In the event that an entity listed in subsections B and C does not satisfy the requirement in
 1458 subdivision 1, such entity shall no longer be listed on the individual income tax return.

1459 3. a. The entities listed in subdivisions B 21 and B 22 as well as any other entities in subsections B
 1460 and C added subsequent to the 2004 Session of the General Assembly shall not appear on the individual
 1461 income tax return until their addition to the individual income tax return results in a maximum of 25
 1462 contributions listed on the return. Such contributions shall be added in the order that they are listed in
 1463 subsections B and C.

1464 b. Each entity added to the income tax return shall appear on the return for at least three consecutive
 1465 taxable years before the requirement in subdivision 1 is applied to such entity.

1466 4. The Department of Taxation shall report annually by the first day of each General Assembly
 1467 Regular Session to the ~~chairmen~~ *Chairmen* of the House and Senate ~~Finance~~ *Committees on Finance* the
 1468 amounts collected for each entity listed under subsections B and C for the three most recent taxable
 1469 years for which there is complete data. Such report shall also identify the entities, if any, that will be
 1470 removed from the individual income tax return because they have failed the requirements in subdivision
 1471 1, the entities that will remain on the individual income tax return, and the entities, if any, that will be
 1472 added to the individual income tax return.

1473 B. Subject to the provisions of subsection A, the following entities entitled to voluntary contributions
 1474 shall appear on the individual income tax return and are eligible to receive tax refund contributions of

1475 not less than \$1:
 1476 1. Nongame wildlife voluntary contribution.
 1477 a. All moneys contributed shall be used for the conservation and management of endangered species
 1478 and other nongame wildlife. "Nongame wildlife" includes protected wildlife, endangered and threatened
 1479 wildlife, aquatic wildlife, specialized habitat wildlife both terrestrial and aquatic, and mollusks,
 1480 crustaceans, and other invertebrates under the jurisdiction of the Board of Game and Inland Fisheries.
 1481 b. All moneys shall be deposited into a special fund known as the Game Protection Fund and which
 1482 shall be accounted for as a separate part thereof to be designated as the Nongame Cash Fund. All
 1483 moneys so deposited in the Nongame Cash Fund shall be used by the Commission of Game and Inland
 1484 Fisheries for the purposes set forth herein.
 1485 2. Open space recreation and conservation voluntary contribution.
 1486 a. All moneys contributed shall be used by the Department of Conservation and Recreation to
 1487 acquire land for recreational purposes and preserve natural areas; to develop, maintain, and improve state
 1488 park sites and facilities; and to provide funds to local public bodies pursuant to the Virginia Outdoor
 1489 Fund Grants Program.
 1490 b. All moneys shall be deposited into a special fund known as the Open Space Recreation and
 1491 Conservation Fund. The moneys in the fund shall be allocated one-half to the Department of
 1492 Conservation and Recreation for the purposes stated in subdivision 2 a and one-half to local public
 1493 bodies pursuant to the Virginia Outdoor Fund Grants Program.
 1494 3. Voluntary contribution to political party.
 1495 All moneys contributed shall be paid to the State Central Committee of any party that meets the
 1496 definition of a political party under § 24.2-101 as of July 1 of the previous taxable year. The maximum
 1497 contribution allowable under this subdivision shall be \$25. In the case of a joint return of husband and
 1498 wife *married individuals*, each spouse may designate that the maximum contribution allowable be paid.
 1499 4. United States Olympic Committee voluntary contribution.
 1500 All moneys contributed shall be paid to the United States Olympic Committee.
 1501 5. Housing program voluntary contribution.
 1502 a. All moneys contributed shall be used by the Department of Housing and Community Development
 1503 to provide assistance for emergency, transitional, and permanent housing for the homeless; and to
 1504 provide assistance to housing for the low-income elderly for the physically or mentally disabled.
 1505 b. All moneys shall be deposited into a special fund known as the Virginia Tax Check-off for
 1506 Housing Fund. All moneys deposited in the fund shall be used by the Department of Housing and
 1507 Community Development for the purposes set forth in this subdivision. Funds made available to the
 1508 Virginia Tax Check-off for Housing Fund may supplement but shall not supplant activities of the
 1509 Virginia Housing Trust Fund established pursuant to Chapter 9 (§ 36-141 et seq.) of Title 36 or those of
 1510 the Virginia Housing Development Authority.
 1511 6. Voluntary contributions to the Department for Aging and Rehabilitative Services.
 1512 a. All moneys contributed shall be used by the Department for Aging and Rehabilitative Services for
 1513 the enhancement of transportation services for the elderly and disabled.
 1514 b. All moneys shall be deposited into a special fund known as the Transportation Services for the
 1515 Elderly and Disabled Fund. All moneys so deposited in the fund shall be used by the Department for
 1516 Aging and Rehabilitative Services for the enhancement of transportation services for the elderly and
 1517 disabled. The Department for Aging and Rehabilitative Services shall conduct an annual audit of the
 1518 moneys received pursuant to this subdivision and shall provide an evaluation of all programs funded
 1519 pursuant to this subdivision annually to the Secretary of Health and Human Resources.
 1520 7. Voluntary contribution to the Community Policing Fund.
 1521 a. All moneys contributed shall be used to provide grants to local law-enforcement agencies for the
 1522 purchase of equipment or the support of services, as approved by the Criminal Justice Services Board,
 1523 relating to community policing.
 1524 b. All moneys shall be deposited into a special fund known as the Community Policing Fund. All
 1525 moneys deposited in such fund shall be used by the Department of Criminal Justices Services for the
 1526 purposes set forth herein.
 1527 8. Voluntary contribution to promote the arts.
 1528 All moneys contributed shall be used by the Virginia Arts Foundation to assist the Virginia
 1529 Commission for the Arts in its statutory responsibility of promoting the arts in the Commonwealth. All
 1530 moneys shall be deposited into a special fund known as the Virginia Arts Foundation Fund.
 1531 9. Voluntary contribution to the Historic Resources Fund.
 1532 All moneys contributed shall be deposited in the Historic Resources Fund established pursuant to
 1533 § 10.1-2202.1.
 1534 10. Voluntary contribution to the Virginia Foundation for the Humanities and Public Policy.
 1535 All moneys contributed shall be paid to the Virginia Foundation for the Humanities and Public

- 1536 Policy. All moneys shall be deposited into a special fund known as the Virginia Humanities Fund.
- 1537 11. Voluntary contribution to the Center for Governmental Studies.
- 1538 All moneys contributed shall be paid to the Center for Governmental Studies, a public service and
- 1539 research center of the University of Virginia. All moneys shall be deposited into a special fund known
- 1540 as the Governmental Studies Fund.
- 1541 12. Voluntary contribution to the Law and Economics Center.
- 1542 All moneys contributed shall be paid to the Law and Economics Center, a public service and
- 1543 research center of George Mason University. All moneys shall be deposited into a special fund known
- 1544 as the Law and Economics Fund.
- 1545 13. Voluntary contribution to Children of America Finding Hope.
- 1546 All moneys contributed shall be used by Children of America Finding Hope (CAFH) in its programs
- 1547 which are designed to reach children with emotional and physical needs.
- 1548 14. Voluntary contribution to 4-H Educational Centers.
- 1549 All moneys contributed shall be used by the 4-H Educational Centers throughout the Commonwealth
- 1550 for their (i) educational, leadership, and camping programs and (ii) operational and capital costs. The
- 1551 State Treasurer shall pay the moneys to the Virginia 4-H Foundation in Blacksburg, Virginia.
- 1552 15. Voluntary contribution to promote organ and tissue donation.
- 1553 a. All moneys contributed shall be used by the Virginia Transplant Council to assist in its statutory
- 1554 responsibility of promoting and coordinating educational and informational activities as related to the
- 1555 organ, tissue, and eye donation process and transplantation in the Commonwealth of Virginia.
- 1556 b. All moneys shall be deposited into a special fund known as the Virginia Donor Registry and
- 1557 Public Awareness Fund. All moneys deposited in such fund shall be used by the Virginia Transplant
- 1558 Council for the purposes set forth herein.
- 1559 16. Voluntary contributions to the Virginia War Memorial division of the Department of Veterans
- 1560 Services and the National D-Day Memorial Foundation.
- 1561 All moneys contributed shall be used by the Virginia War Memorial division of the Department of
- 1562 Veterans Services and the National D-Day Memorial Foundation in their work through each of their
- 1563 respective memorials. The State Treasurer shall divide the moneys into two equal portions and pay one
- 1564 portion to the Virginia War Memorial division of the Department of Veterans Services and the other
- 1565 portion to the National D-Day Memorial Foundation.
- 1566 17. Voluntary contribution to the Virginia Federation of Humane Societies.
- 1567 All moneys contributed shall be paid to the Virginia Federation of Humane Societies to assist in its
- 1568 mission of saving, caring for, and finding homes for homeless animals.
- 1569 18. Voluntary contribution to the Tuition Assistance Grant Fund.
- 1570 a. All moneys contributed shall be paid to the Tuition Assistance Grant Fund for use in providing
- 1571 monetary assistance to residents of the Commonwealth who are enrolled in undergraduate or graduate
- 1572 programs in private Virginia colleges.
- 1573 b. All moneys shall be deposited into a special fund known as the Tuition Assistance Grant Fund.
- 1574 All moneys so deposited in the Fund shall be administered by the State Council of Higher Education for
- 1575 Virginia in accordance with and for the purposes provided under the Tuition Assistance Grant Act
- 1576 (§ 23.1-628 et seq.).
- 1577 19. Voluntary contribution to the Spay and Neuter Fund.
- 1578 All moneys contributed shall be paid to the Spay and Neuter Fund for use by localities in the
- 1579 Commonwealth for providing low-cost spay and neuter surgeries through direct provision or contract or
- 1580 each locality may make the funds available to any private, nonprofit sterilization program for dogs and
- 1581 cats in such locality. The Tax Commissioner shall determine annually the total amounts designated on
- 1582 all returns from each locality in the Commonwealth, based upon the locality that each filer who makes a
- 1583 voluntary contribution to the Fund lists as his permanent address. The State Treasurer shall pay the
- 1584 appropriate amount to each respective locality.
- 1585 20. Voluntary contribution to the Virginia Commission for the Arts.
- 1586 All moneys contributed shall be paid to the Virginia Commission for the Arts.
- 1587 21. Voluntary contribution for the Department of Emergency Management.
- 1588 All moneys contributed shall be paid to the Department of Emergency Management.
- 1589 22. Voluntary contribution for the cancer centers in the Commonwealth.
- 1590 All moneys contributed shall be paid equally to all entities in the Commonwealth that officially have
- 1591 been designated as cancer centers by the National Cancer Institute.
- 1592 23. Voluntary contribution to the Brown v. Board of Education Scholarship Program Fund.
- 1593 a. All moneys contributed shall be paid to the Brown v. Board of Education Scholarship Program
- 1594 Fund to support the work of and generate nonstate funds to maintain the Brown v. Board of Education
- 1595 Scholarship Program.
- 1596 b. All moneys shall be deposited into the Brown v. Board of Education Scholarship Program Fund as
- 1597 established in § 30-231.4.

1598 c. All moneys so deposited in the Fund shall be administered by the State Council of Higher
1599 Education in accordance with and for the purposes provided in Chapter 34.1 (§ 30-231.01 et seq.) of
1600 Title 30.

1601 24. Voluntary contribution to the Martin Luther King, Jr. Living History and Public Policy Center.

1602 All moneys contributed shall be paid to the Board of Trustees of the Martin Luther King, Jr. Living
1603 History and Public Policy Center.

1604 25. Voluntary contribution to the Virginia Caregivers Grant Fund.

1605 All moneys contributed shall be paid to the Virginia Caregivers Grant Fund established pursuant to
1606 § 63.2-2202.

1607 26. Voluntary contribution to public library foundations.

1608 All moneys contributed pursuant to this subdivision shall be deposited into the state treasury. The
1609 Tax Commissioner shall determine annually the total amounts designated on all returns for each public
1610 library foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the
1611 appropriate amount to the respective public library foundation.

1612 27. Voluntary contribution to Celebrating Special Children, Inc.

1613 All moneys contributed shall be paid to Celebrating Special Children, Inc. and shall be deposited into
1614 a special fund known as the Celebrating Special Children, Inc. Fund.

1615 28. Voluntary contributions to the Department for Aging and Rehabilitative Services.

1616 a. All moneys contributed shall be used by the Department for Aging and Rehabilitative Services for
1617 providing Medicare Part D counseling to the elderly and disabled.

1618 b. All moneys shall be deposited into a special fund known as the Medicare Part D Counseling Fund.
1619 All moneys so deposited shall be used by the Department for Aging and Rehabilitative Services to
1620 provide counseling for the elderly and disabled concerning Medicare Part D. The Department for Aging
1621 and Rehabilitative Services shall conduct an annual audit of the moneys received pursuant to this
1622 subdivision and shall provide an evaluation of all programs funded pursuant to the subdivision to the
1623 Secretary of Health and Human Resources.

1624 29. Voluntary contribution to community foundations.

1625 All moneys contributed pursuant to this subdivision shall be deposited into the state treasury. The
1626 Tax Commissioner shall determine annually the total amounts designated on all returns for each
1627 community foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the
1628 appropriate amount to the respective community foundation. A "community foundation" shall be defined
1629 as any institution that meets the membership requirements for a community foundation established by
1630 the Council on Foundations.

1631 30. Voluntary contribution to the Virginia Foundation for Community College Education.

1632 a. All moneys contributed shall be paid to the Virginia Foundation for Community College Education
1633 for use in providing monetary assistance to Virginia residents who are enrolled in comprehensive
1634 community colleges in Virginia.

1635 b. All moneys shall be deposited into a special fund known as the Virginia Foundation for
1636 Community College Education Fund. All moneys so deposited in the Fund shall be administered by the
1637 Virginia Foundation for Community College Education in accordance with and for the purposes
1638 provided under the Community College Incentive Scholarship Program (former § 23-220.2 et seq.).

1639 31. Voluntary contribution to the Middle Peninsula Chesapeake Bay Public Access Authority.

1640 All moneys contributed shall be paid to the Middle Peninsula Chesapeake Bay Public Access
1641 Authority to be used for the purposes described in § 15.2-6601.

1642 32. Voluntary contribution to the Breast and Cervical Cancer Prevention and Treatment Fund.

1643 All moneys contributed shall be paid to the Breast and Cervical Cancer Prevention and Treatment
1644 Fund established pursuant to § 32.1-368.

1645 33. Voluntary contribution to the Virginia Aquarium and Marine Science Center.

1646 All moneys contributed shall be paid to the Virginia Aquarium and Marine Science Center for use in
1647 its mission to increase the public's knowledge and appreciation of Virginia's marine environment and
1648 inspire commitment to preserve its existence.

1649 34. Voluntary contribution to the Virginia Capitol Preservation Foundation.

1650 All moneys contributed shall be paid to the Virginia Capitol Preservation Foundation for use in its
1651 mission in supporting the ongoing restoration, preservation, and interpretation of the Virginia Capitol
1652 and Capitol Square.

1653 35. Voluntary contribution for the Secretary of Veterans and Defense Affairs.

1654 All moneys contributed shall be paid to the Office of the Secretary of Veterans and Defense Affairs
1655 for related programs and services.

1656 C. Subject to the provisions of subsection A, the following voluntary contributions shall appear on
1657 the individual income tax return and are eligible to receive tax refund contributions or by making
1658 payment to the Department if the individual is not eligible to receive a tax refund pursuant to § 58.1-309

- 1659 or if the amount of such tax refund is less than the amount of the voluntary contribution:
- 1660 1. Voluntary contribution to the Family and Children's Trust Fund of Virginia.
- 1661 All moneys contributed shall be paid to the Family and Children's Trust Fund of Virginia.
- 1662 2. Voluntary Chesapeake Bay restoration contribution.
- 1663 a. All moneys contributed shall be used to help fund Chesapeake Bay and its tributaries restoration
- 1664 activities in accordance with tributary plans developed pursuant to Article 7 (§ 2.2-215 et seq.) of
- 1665 Chapter 2 of Title 2.2 or the Chesapeake Bay Watershed Implementation Plan submitted by the
- 1666 Commonwealth of Virginia to the U.S. Environmental Protection Agency on November 29, 2010, and
- 1667 any subsequent revisions thereof.
- 1668 b. The Tax Commissioner shall annually determine the total amount of voluntary contributions and
- 1669 shall report the same to the State Treasurer, who shall credit that amount to a special nonreverting fund
- 1670 to be administered by the Office of the Secretary of Natural Resources. All moneys so deposited shall
- 1671 be used for the purposes of providing grants for the implementation of tributary plans developed
- 1672 pursuant to Article 7 (§ 2.2-215 et seq.) of Chapter 2 of Title 2.2 or the Chesapeake Bay Watershed
- 1673 Implementation Plan submitted by the Commonwealth of Virginia to the U.S. Environmental Protection
- 1674 Agency on November 29, 2010, and any subsequent revisions thereof.
- 1675 c. No later than November 1 of each year, the Secretary of Natural Resources shall submit a report
- 1676 to the House Committee on Agriculture, Chesapeake and Natural Resources; the Senate Committee on
- 1677 Agriculture, Conservation and Natural Resources; the House Committee on Appropriations; the Senate
- 1678 Committee on Finance; and the Virginia delegation to the Chesapeake Bay Commission, describing the
- 1679 grants awarded from moneys deposited in the fund. The report shall include a list of grant recipients, a
- 1680 description of the purpose of each grant, the amount received by each grant recipient, and an assessment
- 1681 of activities or initiatives supported by each grant. The report shall be posted on a website maintained
- 1682 by the Secretary of Natural Resources, along with a cumulative listing of previous grant awards
- 1683 beginning with awards granted on or after July 1, 2014.
- 1684 3. Voluntary Jamestown-Yorktown Foundation Contribution.
- 1685 All moneys contributed shall be used by the Jamestown-Yorktown Foundation for the Jamestown
- 1686 2007 quadricentennial celebration. All moneys shall be deposited into a special fund known as the
- 1687 Jamestown Quadricentennial Fund. This subdivision shall be effective for taxable years beginning before
- 1688 January 1, 2008.
- 1689 4. State forests voluntary contribution.
- 1690 a. All moneys contributed shall be used for the development and implementation of conservation and
- 1691 education initiatives in the state forests system.
- 1692 b. All moneys shall be deposited into a special fund known as the State Forests System Fund,
- 1693 established pursuant to § 10.1-1119.1. All moneys so deposited in such fund shall be used by the State
- 1694 Forester for the purposes set forth herein.
- 1695 5. Voluntary contributions to Uninsured Medical Catastrophe Fund.
- 1696 All moneys contributed shall be paid to the Uninsured Medical Catastrophe Fund established
- 1697 pursuant to § 32.1-324.2, such funds to be used for the treatment of Virginians sustaining uninsured
- 1698 medical catastrophes.
- 1699 6. Voluntary contribution to local school divisions.
- 1700 a. All moneys contributed shall be used by a specified local public school foundation as created by
- 1701 and for the purposes stated in § 22.1-212.2:2.
- 1702 b. All moneys collected pursuant to subdivision 6 a or through voluntary payments by taxpayers
- 1703 designated for a local public school foundation over refundable amounts shall be deposited into the state
- 1704 treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for
- 1705 each public school foundation and shall report the same to the State Treasurer. The State Treasurer shall
- 1706 pay the appropriate amount to the respective public school foundation.
- 1707 c. In order for a public school foundation to be eligible to receive contributions under this section,
- 1708 school boards must notify the Department during the taxable year in which they want to participate prior
- 1709 to the deadlines and according to procedures established by the Tax Commissioner.
- 1710 7. Voluntary contribution to Home Energy Assistance Fund.
- 1711 All moneys contributed shall be paid to the Home Energy Assistance Fund established pursuant to
- 1712 § 63.2-805, such funds to be used to assist low-income Virginians in meeting seasonal residential energy
- 1713 needs.
- 1714 8. Voluntary contribution to the Virginia Military Family Relief Fund.
- 1715 a. All moneys contributed shall be paid to the Virginia Military Family Relief Fund for use in
- 1716 providing assistance to military service personnel on active duty and their families for living expenses
- 1717 including, but not limited to, food, housing, utilities, and medical services.
- 1718 b. All moneys shall be deposited into a special fund known as the Virginia Military Family Relief
- 1719 Fund, established and administered pursuant to § 44-102.2.
- 1720 9. Voluntary contribution to the Federation of Virginia Food Banks.

1721 All moneys contributed shall be paid to the Federation of Virginia Food Banks, a Partner State
 1722 Association of Feeding America. The Federation of Virginia Food Banks shall as soon as practicable
 1723 make an equitable distribution of all such moneys to the Blue Ridge Area Food Bank, Capital Area
 1724 Food Bank, Feeding America Southwest Virginia, FeedMore, Inc., Foodbank of Southeastern Virginia
 1725 and the Eastern Shore, Fredericksburg Area Food Bank, or Virginia Peninsula Foodbank.

1726 The Secretary of Finance may request records or receipts of all distributions by the Federation of
 1727 Virginia Food Banks of such moneys contributed for purposes of ensuring compliance with the
 1728 requirements of this subdivision.

1729 D. Unless otherwise specified and subject to the requirements in § 58.1-344.2, all moneys collected
 1730 for each entity in subsections B and C shall be deposited into the state treasury. The Tax Commissioner
 1731 shall determine annually the total amount designated for each entity in subsections B and C on all
 1732 individual income tax returns and shall report the same to the State Treasurer, who shall credit that
 1733 amount to each entity's respective special fund.

1734 **§ 58.1-344.4. Voluntary contributions of refunds into Virginia College Savings Plan accounts.**

1735 A. If an individual is entitled to an income tax refund for the taxable year, that individual may
 1736 designate on his Virginia individual income tax return a contribution to one or more Virginia College
 1737 Savings Plan accounts established under Chapter 7 (§ 23.1-700 et seq.) of Title 23.1, in the amount of
 1738 the entire individual income tax refund or a portion thereof.

1739 B. 1. The Department of Taxation shall send each contribution made pursuant to subsection A to the
 1740 Virginia College Savings Plan with the following information:

1741 a. The amount of the individual income tax refund or that portion of the refund that the individual
 1742 has chosen to contribute;

1743 b. The taxpayer's name, Social Security number or taxpayer identification number, address, and
 1744 telephone number; and

1745 c. The Virginia College Savings Plan account number or numbers into which the contributions will
 1746 be deposited.

1747 2. If a contribution to a Virginia College Savings Plan account is designated in an individual income
 1748 tax return filed jointly by a ~~husband and wife~~ *married individuals*, the Department of Taxation shall
 1749 send the information described in subdivision 1 for both ~~the husband and wife~~ *spouses* to the Virginia
 1750 College Savings Plan.

1751 C. 1. If the taxpayer owns a single Virginia College Savings Plan account, the Virginia College
 1752 Savings Plan shall deposit the contribution made pursuant to subsection A into that account.

1753 2. If the taxpayer owns more than one Virginia College Savings Plan account, the Virginia College
 1754 Savings Plan shall allocate the contribution made pursuant to subsection A between or among the
 1755 accounts in equal amounts, or as otherwise designated by the taxpayer.

1756 3. If the taxpayer does not own an existing Virginia College Savings Plan account and does not wish
 1757 to open an account, contributions made pursuant to subsection A shall be returned to the taxpayer by the
 1758 Virginia College Savings Plan.

1759 D. For the purpose of determining interest on an overpayment or refund under § 58.1-1833, no
 1760 interest shall accrue after the Department of Taxation sends the contribution to the Virginia College
 1761 Savings Plan.

1762 E. Any taxpayer designating that a refund be contributed to a Virginia College Savings Plan account
 1763 shall, by making such designation, be deemed to authorize the Department of Taxation to provide all
 1764 necessary information, including the information specified in subdivision B 1, to the Virginia College
 1765 Savings Plan.

1766 **§ 58.1-490. Declarations of estimated tax.**

1767 A. Every resident and nonresident individual shall make a declaration of his estimated tax for every
 1768 taxable year, if his Virginia tax liability can reasonably be expected to exceed an amount, to be
 1769 determined under regulations promulgated by the Tax Commissioner, which takes into account the
 1770 additions, subtractions, and deductions set forth in §§ 58.1-322.01, 58.1-322.02, 58.1-322.03, and
 1771 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
 1772 the filing exclusions set forth in § 58.1-321. Every estate with respect to any taxable year ending two or
 1773 more years after the date of death of the decedent and every trust shall make a declaration of its
 1774 estimated tax for every taxable year, if its Virginia taxable income can reasonably be expected to exceed
 1775 the amount specified by regulation for individuals as set forth above.

1776 B. For purposes of this article, "estimated tax" means the amount which an individual estimates to be
 1777 his income tax under this chapter for the taxable year, less the amount which he estimates to be the sum
 1778 of any credits allowable against the tax.

1779 C. For purposes of this section, the declaration shall be the first voucher.

1780 D. In the case of a ~~husband and wife~~ *married individuals*, a single declaration under this section may
 1781 be made by them jointly, in which case the liability with respect to the estimated tax shall be joint and

1782 several. No joint declaration may be made if either ~~the husband or the wife~~ *spouse* is a nonresident of
 1783 the Commonwealth unless both are required by this chapter to file a return, if they are separated under a
 1784 decree of divorce or of separate maintenance, or if they have different taxable years. If a joint
 1785 declaration is made but a joint return is not made for the taxable year, the estimated tax for such year
 1786 may be treated as the estimated tax of either ~~the husband or the wife~~ *spouse*, or may be divided between
 1787 them.

1788 E. A declaration of estimated tax of an individual other than a farmer, fisherman, or merchant
 1789 seaman shall be filed on or before May 1 of the taxable year, except that if the requirements of
 1790 subsection A are first met:

1791 1. The declaration shall be filed on or before June 15; or

1792 2. After June 1 and before September 2 of the taxable year, the declaration shall be filed on or
 1793 before September 15; or

1794 3. After September 1 of the taxable year, the declaration shall be filed on or before January 15 of the
 1795 succeeding year.

1796 F. A declaration of estimated tax of an individual having an estimated gross income from (i) farming
 1797 (including oyster farming); (ii) fishing; or (iii) working as a merchant seaman for the taxable year,
 1798 which is at least two-thirds of his total estimated gross income for the taxable year, may be filed at any
 1799 time on or before January 15 of the succeeding year, in lieu of the time otherwise prescribed.

1800 G. A declaration of estimated tax of an individual having a total estimated tax for the taxable year of
 1801 \$40 or less may be filed at any time on or before January 15 of the succeeding year under regulations
 1802 of the Tax Commissioner.

1803 H. An individual may amend a declaration under regulations of the Tax Commissioner.

1804 I. If on or before March 1 of the succeeding taxable year an individual files his return for the taxable
 1805 year for which the declaration is required, and pays therewith the full amount of the tax shown to be
 1806 due on the return:

1807 1. Such return shall be considered as his declaration if no declaration was required to be filed during
 1808 the taxable year, but is otherwise required to be filed on or before January 15.

1809 2. Such return shall be considered as the amendment permitted by subsection H to be filed on or
 1810 before January 15 if the tax shown on the return is greater than the estimated tax shown in a declaration
 1811 previously made.

1812 J. This section shall apply to a taxable year other than a calendar year by the substitution of the
 1813 months of such fiscal year for the corresponding months specified in this section.

1814 K. An individual having a taxable year of less than 12 months shall make a declaration in
 1815 accordance with regulations of the Tax Commissioner.

1816 L. The declaration of estimated tax for an individual who is unable to make a declaration by reason
 1817 of any disability shall be made and filed by his guardian, committee, fiduciary or other person charged
 1818 with the care of his person or property (other than a receiver in possession of only a part of his
 1819 property), or by his duly authorized agent.

1820 M. The declaration of estimated tax for a trust or estate shall be made by the fiduciary. For purposes
 1821 of the estimated tax imposed in this article, any reference to an "individual" shall be deemed to include
 1822 the fiduciary required to file a declaration for a trust or estate. Any overpayment of estimated tax with
 1823 respect to any trust or estate shall be refunded to the fiduciary. A beneficiary of a trust or estate shall
 1824 not be entitled to a credit against the beneficiary's individual income tax for any overpayment of
 1825 estimated tax by a trust or estate.

1826 **§ 58.1-499. Refunds to individual taxpayers; crediting overpayment against estimated tax for**
 1827 **ensuing year.**

1828 A. In the case of any overpayment of any tax, addition to tax, interest or penalties imposed on an
 1829 individual income taxpayer by this chapter, whether by reason of excessive withholding, overestimating
 1830 and overpaying estimated tax, error on the part of the taxpayer, or an erroneous assessment of tax, the
 1831 Tax Commissioner shall order a refund of the amount of the overpayment to the taxpayer. The
 1832 overpayment shall be refunded out of the state treasury on the order of the Tax Commissioner upon the
 1833 Comptroller.

1834 B. If a refund of an overpayment of individual income tax payments is made payable jointly to a
 1835 ~~husband and wife~~ *married individuals* who receive a final divorce decree after filing a joint income tax
 1836 return, separate income tax returns on a single form, an amendment thereto, or other claim resulting in
 1837 the issuance of a refund, the Tax Commissioner shall order the reissuance of the refund in separate
 1838 checks to ~~the husband and to the wife~~ *each spouse* if the unnegotiated joint refund check is returned to
 1839 Department with a certification, in a form satisfactory to the Department, made by one spouse that the
 1840 other spouse refuses to endorse the joint refund check or cannot be located. In making such certification,
 1841 the spouse returning the check shall agree to indemnify the Commonwealth for any amounts that the
 1842 Commonwealth may be required to pay to the other spouse with respect to such refund. A certified copy
 1843 of the final divorce decree, including any agreement with respect to the division of property between the

1844 spouses, shall be provided with the certification. If the final divorce decree addresses the apportionment
 1845 or ownership of the refunded amount, the refund shall be apportioned and separate payments ordered as
 1846 provided therein. If the final divorce decree does not address the apportionment or ownership of the
 1847 refunded amount, the amount of the refund shall be divided equally between the husband and wife
 1848 spouses. The reissuance of refund payments pursuant to this subsection shall not affect the joint and
 1849 several liability of the husband and wife spouses for tax liabilities for the period for which the return or
 1850 returns were filed.

1851 C. Whenever the annual income tax return of an individual income taxpayer indicates in the place
 1852 provided thereon that the taxpayer has overpaid his tax for the taxable year by reason of excessive
 1853 withholding or overestimating and overpaying estimated tax, or both, the amount of the overpayment as
 1854 shown on his return, subject to correction for error, may be credited against the estimated income tax for
 1855 the ensuing year at the taxpayer's election and according to regulations prescribed by the Department
 1856 and such overpayments by either a husband or wife spouse on a separate return may be credited to the
 1857 tax for the ensuing year of either of them or may be credited to their joint tax at the election of the
 1858 person to whom the overpayment is payable; or otherwise such amount shall be refunded to him as soon
 1859 as practicable. Interest on such refund shall be allowed and computed in accordance with § 58.1-1833.
 1860 The making of any refund shall not absolve any taxpayer of any income tax liability which may in fact
 1861 exist and the Tax Commissioner may make an assessment for any deficiency in the manner provided by
 1862 law.

1863 D. No refund under this section, however, shall be made for any overpayment of less than one dollar
 1864 \$1 except on special written application of the taxpayer, nor shall any refund of any amount under this
 1865 section be made, whether on discovery by the Department or on written application of the taxpayer, if
 1866 such discovery is not made or such written application is not received within three years from the last
 1867 day prescribed by law for the timely filing of the return, or within ~~sixty~~ 60 days from the final
 1868 determination of any change or correction in the liability of the taxpayer for any federal tax upon which
 1869 the state tax is based, whichever is later.

1870 E. Notwithstanding the provisions of the Setoff Debt Collection Act, ~~Article 24~~ (§ 58.1-520 et seq.)
 1871 of this chapter, whenever any taxpayer is entitled to a refund under this section, or under § 58.1-309 or
 1872 §§ 58.1-1821 through 58.1-1830 and such taxpayer owes the Commonwealth a past due income tax, or
 1873 balance thereof, for any year, the amount of such refund may be credited on such past due income tax
 1874 or balance, to the extent indicated.

1875 **§ 58.1-520. (Contingent expiration) Definitions.**

1876 As used in this article:

1877 "Claimant agency" means any administrative unit of state, county, city or town government,
 1878 including department, institution, commission, authority, or the office of Executive Secretary of the
 1879 Supreme Court, any circuit or district court and the Internal Revenue Service. All state agencies and
 1880 institutions shall participate in the setoff program.

1881 "Debtor" means any individual having a delinquent debt or account with any claimant agency which
 1882 obligation has not been satisfied by court order, set aside by court order, or discharged in bankruptcy.

1883 "Delinquent debt" means any liquidated sum due and owing any claimant agency, or any restitution
 1884 ordered paid to a clerk of the court pursuant to Title 19.2, including any amount of court costs or fines
 1885 which have accrued through contract, subrogation, tort, operation of law, or any other legal theory
 1886 regardless of whether there is an outstanding judgment for that sum which is legally collectible and for
 1887 which a collection effort has been or is being made.

1888 "Mailing date of notice" means the date of notice appearing thereon.

1889 "Refund" means any individual's Virginia state or local income tax refund payable pursuant to
 1890 § 58.1-309. This term also includes any refund belonging to a debtor resulting from the filing of a joint
 1891 income tax return or a refund belonging to a debtor resulting from the filing of a return where husband
 1892 and wife married individuals have elected to file a combined return and separately state their Virginia
 1893 taxable incomes under the provisions of *subdivision B 2* of § 58.1-324 ~~B 2~~.

1894 **§ 58.1-520. (Contingent effective date) Definitions.**

1895 As used in this article:

1896 "Claimant agency" means any administrative unit of state, county, city or town government,
 1897 including department, institution, commission, authority, or the office of Executive Secretary of the
 1898 Supreme Court, any circuit or district court and the Internal Revenue Service. All state agencies and
 1899 institutions shall participate in the setoff program.

1900 "Debtor" means any individual having a delinquent debt or account with any claimant agency which
 1901 obligation has not been satisfied by court order, set aside by court order, or discharged in bankruptcy.

1902 "Delinquent debt" means any liquidated sum due and owing any claimant agency, or any restitution
 1903 ordered paid to a clerk of the court pursuant to Title 19.2, including any amount of court costs or fines
 1904 which have accrued through contract, subrogation, tort, operation of law, or any other legal theory

1905 regardless of whether there is an outstanding judgment for that sum which is legally collectible and for
 1906 which a collection effort has been or is being made.

1907 "Mailing date of notice" means the date of notice appearing thereon.

1908 "Refund" means any individual's (i) Virginia state or local income tax refund payable pursuant to
 1909 § 58.1-309 or (ii) federal income tax refund payable pursuant to § 6402 of the Internal Revenue Code.
 1910 This term also includes any refund belonging to a debtor resulting from the filing of a joint income tax
 1911 return or a refund belonging to a debtor resulting from the filing of a return where ~~husband and wife~~
 1912 *married individuals* have elected to file a combined return and separately state their Virginia taxable
 1913 incomes under the provisions of *subdivision B 2 of § 58.1-324 B 2*.

1914 **§ 58.1-810. What other deeds not taxable.**

1915 When the tax has been paid at the time of the recordation of the original deed, no additional
 1916 recordation tax shall be required for admitting to record:

1917 1. A deed of confirmation;

1918 2. A deed of correction;

1919 3. A deed to which a ~~husband and wife~~ *married individuals* are the only parties;

1920 4. A deed arising out of a contract to purchase real estate; if the tax already paid is less than a
 1921 proper tax based upon the full amount of consideration or actual value of the property involved in the
 1922 transaction, an additional tax shall be paid based on the difference between the full amount of such
 1923 consideration or actual value and the amount on which the tax has been paid; or

1924 5. A notice of assignment of a note secured by a deed of trust or mortgage.

1925 **§ 58.1-3210. Exemption or deferral of taxes on property of certain elderly and handicapped**
 1926 **persons.**

1927 A. The governing body of any county, city or town may, by ordinance, provide for the exemption
 1928 from, deferral of, or a combination program of exemptions from and deferrals of taxation of real estate
 1929 and manufactured homes as defined in § 36-85.3, or any portion thereof, and upon such conditions and
 1930 in such amount as the ordinance may prescribe. Such real estate shall be owned by, and be occupied as
 1931 the sole dwelling of anyone at least 65 years of age or if provided in the ordinance, anyone found to be
 1932 permanently and totally disabled as defined in § 58.1-3217. Such ordinance may provide for the
 1933 exemption from or deferral of that portion of the tax which represents the increase in tax liability since
 1934 the year such taxpayer reached the age of 65 or became disabled, or the year such ordinance became
 1935 effective, whichever is later. A dwelling jointly held by a ~~husband and wife~~ *married individuals*, with no
 1936 other joint owners, may qualify if either spouse is 65 or over or is permanently and totally disabled, and
 1937 the proration of the exemption or deferral under § 58.1-3211.1 shall not apply for such dwelling.

1938 B. For purposes of this section, "eligible person" means a person who is at least age 65 or, if
 1939 provided in the ordinance pursuant to subsection A, permanently and totally disabled. Under subsection
 1940 A, real property owned and occupied as the sole dwelling of an eligible person includes real property (i)
 1941 held by the eligible person alone or in conjunction with his spouse as tenant or tenants for life or joint
 1942 lives, (ii) held in a revocable inter vivos trust over which the eligible person or the eligible person and
 1943 his spouse hold the power of revocation, or (iii) held in an irrevocable trust under which an eligible
 1944 person alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or
 1945 enjoys a continuing right of use or support. The term "eligible person" does not include any interest held
 1946 under a leasehold or term of years.

1947 C. For purposes of this article, any reference to:

1948 "Dwelling" shall include an improvement to real estate exempt pursuant to this article and the land
 1949 upon which such improvement is situated so long as the improvement is used principally for other than a
 1950 business purpose and is used to house or cover any motor vehicle classified pursuant to subdivisions
 1951 A 3 through 10 of § 58.1-3503; household goods classified pursuant to subdivision A 14 of § 58.1-3503;
 1952 or household goods exempted from personal property tax pursuant to § 58.1-3504.

1953 "Real estate" shall include manufactured homes.

1954 **§ 58.1-3211.1. Prorated tax exemption or deferral of tax.**

1955 A. The governing body of the county, city, or town may, by ordinance, also provide for an
 1956 exemption from or deferral of (or combination program thereof) real estate taxes for dwellings jointly
 1957 held by two or more individuals not all of whom are at least age 65 or (if provided in the ordinance)
 1958 permanently and totally disabled, provided that the dwelling is occupied as the sole dwelling by all such
 1959 joint owners.

1960 The tax exemption or deferral for the dwelling that otherwise would have been provided under the
 1961 local ordinance shall be prorated by multiplying the amount of the exemption or deferral by a fraction
 1962 that has as a numerator the percentage of ownership interest in the dwelling held by all such joint
 1963 owners who are at least age 65 or (if provided in the ordinance) permanently and totally disabled, and
 1964 as a denominator, ~~100%~~ *100 percent*. As a condition of eligibility for such tax exemption or deferral,
 1965 the joint owners of the dwelling shall be required to furnish to the relevant local officer sufficient
 1966 evidence of each joint owner's ownership interest in the dwelling.

1967 B. For purposes of this subsection, "eligible person" means a person who is at least age 65 or, if
 1968 provided in the ordinance pursuant to subsection A, permanently and totally disabled. For purposes of
 1969 the tax exemption pursuant to subsection A, real property that is a dwelling jointly held by two or more
 1970 individuals includes real property (i) held by an eligible person in conjunction with one or more other
 1971 people as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which an
 1972 eligible person with one or more other people hold the power of revocation, or (iii) held in an
 1973 irrevocable trust under which an eligible person in conjunction with one or more other people possesses
 1974 a life estate or an estate for joint lives or enjoys a continuing right of use or support. The term "eligible
 1975 person" does not include any interest held under a leasehold or term of years.

1976 C. The provisions of this section shall not apply to dwellings jointly held by a husband and wife
 1977 married individuals, with no other joint owners.

1978 D. Nothing in this section shall be interpreted or construed to provide for an exemption from or
 1979 deferral of tax for any dwelling jointly held by nonindividuals.

1980 **§ 58.1-3219.5. Exemption from taxes on property for disabled veterans.**

1981 A. Pursuant to subdivision (a) of Section 6-A of Article X of the Constitution of Virginia, and for
 1982 tax years beginning on or after January 1, 2011, the General Assembly hereby exempts from taxation
 1983 the real property, including the joint real property of husband and wife married individuals, of any
 1984 veteran who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant
 1985 to federal law to have a 100 percent service-connected, permanent, and total disability, and who
 1986 occupies the real property as his principal place of residence. If the veteran's disability rating occurs
 1987 after January 1, 2011, and he has a qualified primary residence on the date of the rating, then the
 1988 exemption for him under this section begins on the date of such rating. However, no county, city, or
 1989 town shall be liable for any interest on any refund due to the veteran for taxes paid prior to the veteran's
 1990 filing of the affidavit or written statement required by § 58.1-3219.6. If the qualified veteran acquires the
 1991 property after January 1, 2011, then the exemption shall begin on the date of acquisition, and the
 1992 previous owner may be entitled to a refund for a pro rata portion of real property taxes paid pursuant to
 1993 § 58.1-3360.

1994 B. The surviving spouse of a veteran eligible for the exemption set forth in this article shall also
 1995 qualify for the exemption, so long as the death of the veteran occurs on or after January 1, 2011, and
 1996 the surviving spouse does not remarry. The exemption applies without any restriction on the spouse's
 1997 moving to a different principal place of residence.

1998 C. A county, city, or town shall provide for the exemption from real property taxes the qualifying
 1999 dwelling pursuant to this section and shall provide for the exemption from real property taxes the land,
 2000 not exceeding one acre, upon which it is situated. However, if a county, city, or town provides for an
 2001 exemption from or deferral of real property taxes of more than one acre of land pursuant to Article 2
 2002 (§ 58.1-3210 et seq.), then the county, city, or town shall also provide an exemption for the same
 2003 number of acres pursuant to this section. If the veteran owns a house that is his residence, including a
 2004 manufactured home as defined in § 46.2-100 whether or not the wheels and other equipment previously
 2005 used for mobility have been removed, such house or manufactured home shall be exempt even if the
 2006 veteran does not own the land on which the house or manufactured home is located. If such land is not
 2007 owned by the veteran, then the land is not exempt. A real property improvement other than a dwelling,
 2008 including the land upon which such improvement is situated, made to such one acre or greater number
 2009 of acres exempt from taxation pursuant to this subsection shall also be exempt from taxation so long as
 2010 the principal use of the improvement is (i) to house or cover motor vehicles or household goods and
 2011 personal effects as classified in subdivision A 14 of § 58.1-3503 and as listed in § 58.1-3504 and (ii) for
 2012 other than a business purpose.

2013 D. For purposes of this exemption, real property of any veteran includes real property (i) held by a
 2014 veteran alone or in conjunction with the veteran's spouse as tenant or tenants for life or joint lives, (ii)
 2015 held in a revocable inter vivos trust over which the veteran or the veteran and his spouse hold the power
 2016 of revocation, or (iii) held in an irrevocable trust under which a veteran alone or in conjunction with his
 2017 spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support.
 2018 The term does not include any interest held under a leasehold or term of years.

2019 The exemption for a surviving spouse under subsection B includes real property (a) held by the
 2020 veteran's spouse as tenant for life, (b) held in a revocable inter vivos trust over which the surviving
 2021 spouse holds the power of revocation, or (c) held in an irrevocable trust under which the surviving
 2022 spouse possesses a life estate or enjoys a continuing right of use or support. The exemption does not
 2023 apply to any interest held under a leasehold or term of years.

2024 E. 1. In the event that (i) a person is entitled to an exemption under this section by virtue of holding
 2025 the property in any of the three ways set forth in subsection D and (ii) one or more other persons have
 2026 an ownership interest in the property that permits them to occupy the property, then the tax exemption
 2027 for the property that otherwise would have been provided shall be prorated by multiplying the amount of

2028 the exemption by a fraction that has as a numerator the number of people who are qualified for the
 2029 exemption pursuant to this section and has as a denominator the total number of all people having an
 2030 ownership interest that permits them to occupy the property.

2031 2. In the event that the primary residence is jointly owned by two or more individuals, not all of
 2032 whom qualify for the exemption pursuant to subsection A or B, and no person is entitled to the
 2033 exemption under this section by virtue of holding the property in any of the three ways set forth in
 2034 subsection D, then the exemption shall be prorated by multiplying the amount of the exemption by a
 2035 fraction that has as a numerator the percentage of ownership interest in the dwelling held by all such
 2036 joint owners who qualify for the exemption pursuant to subsections A and B, and as a denominator, 100
 2037 percent.

2038 **§ 58.1-3219.6. Application for exemption.**

2039 The veteran or surviving spouse claiming the exemption under this article shall file with the
 2040 commissioner of the revenue of the county, city, or town or such other officer as may be designated by
 2041 the governing body in which the real property is located, on forms to be supplied by the county, city, or
 2042 town, an affidavit or written statement (i) setting forth the name of the disabled veteran and the name of
 2043 the spouse, if any, also occupying the real property, (ii) indicating whether the real property is jointly
 2044 owned by a ~~husband and wife~~ *married individuals*, and (iii) certifying that the real property is occupied
 2045 as the veteran's principal place of residence. The veteran shall also provide documentation from the U.S.
 2046 Department of Veterans Affairs or its successor agency indicating that the veteran has a 100 percent
 2047 service-connected, permanent, and total disability. The veteran shall be required to refile the information
 2048 required by this section only if the veteran's principal place of residence changes. In the event of a
 2049 surviving spouse of a veteran claiming the exemption, the surviving spouse shall also provide
 2050 documentation that the veteran's death occurred on or after January 1, 2011.

2051 **§ 58.1-3343. Effect of lien on certain real estate jointly owned.**

2052 The lien on real estate owned by more than one person as tenants in common, joint tenants or
 2053 otherwise for the payment of all prior, present and subsequent taxes and levies or assessments thereof,
 2054 including any tax, levy, or assessment authorized under § 58.1-3712, 58.1-3713, 58.1-3713.4, or
 2055 58.1-3741, shall not be impaired if such real estate was or is assessed in the name of one of such
 2056 owners with the notation, "and another," or "and others," or "and wife," or "and husband," *or "and*
 2057 *spouse,"* or the appropriate abbreviations of such words, or their legal equivalents, so as to indicate that
 2058 the real estate was or is owned by more than one person.

2059 **§ 58.1-3506.1. Other classification for taxation of certain tangible personal property owned by**
 2060 **certain elderly and handicapped persons.**

2061 The governing body of any county, city or town may, by ordinance, levy a tax on one motor vehicle
 2062 owned and used primarily by or for anyone at least 65 years of age or anyone found to be permanently
 2063 and totally disabled, as defined in § 58.1-3506.3, at a different rate from the tax levied on other tangible
 2064 personal property, upon such conditions as the ordinance may prescribe. Such rate shall not exceed the
 2065 tangible personal property tax on the general class of tangible personal property. For purposes of this
 2066 article, the term motor vehicle shall include only automobiles and pickup trucks. Any such motor
 2067 vehicle owned by a ~~husband and wife~~ *married individuals* may qualify if either spouse is 65 or over or
 2068 if either spouse is permanently and totally disabled. Notwithstanding any other provision of this section
 2069 or article, for any automobile or pickup truck that is (i) a qualifying vehicle, as such term is defined in
 2070 § 58.1-3523, and (ii) assessed for tangible personal property taxes by a county, city, or town receiving a
 2071 payment from the Commonwealth under Chapter 35.1 ~~of this title~~ (*§ 58.1-3523 et seq.*) for providing
 2072 tangible personal property tax relief, the rate of tax levied pursuant to this article shall not exceed the
 2073 rates of tax and rates of assessment required under such chapter.

2074 **§ 58.1-3506.2. Restrictions and conditions.**

2075 Any difference in the rates for purposes of this section shall be subject to the following restrictions
 2076 and conditions:

2077 1. The total combined income received, excluding the first \$7,500 of income, at the option of the
 2078 local government, from all sources during the preceding calendar year by the owner of the motor vehicle
 2079 shall not exceed the greater of \$30,000 or the income limits based on family size for the respective
 2080 metropolitan statistical area, annually published by the Department of Housing and Urban Development
 2081 for qualifying for federal housing assistance pursuant to § 235 of the National Housing Act (12 U.S.C.
 2082 § 1715z).

2083 2. The owner's net financial worth, including the present value of all equitable interests, as of
 2084 December 31 of the immediately preceding calendar year, excluding the value of the principal residence
 2085 and the land, not exceeding one acre, upon which it is situated, shall not exceed \$75,000. The local
 2086 government may also exclude such furnishings as furniture, household appliances and other items
 2087 typically used in a home.

2088 3. Notwithstanding the provisions of subdivisions 1 and 2 ~~of this section~~, in Fairfax County and any
 2089 town adjacent thereto, Arlington County, Chesterfield County, Loudoun County, and Prince William

2090 County, or the Cities of Alexandria, Chesapeake, Fairfax, Falls Church, Manassas, Manassas Park,
 2091 Portsmouth, Suffolk or Virginia Beach, or the Town of Leesburg, the board of supervisors or council
 2092 may, by ordinance, raise the income and financial worth limitations for any reductions under this article
 2093 to a maximum of the greater of \$52,000 or the income limits based upon family size for the respective
 2094 metropolitan statistical area, published annually by the Department of Housing and Urban Development
 2095 for qualifying for federal housing assistance pursuant to § 235 of the National Housing Act (12 U.S.C.
 2096 § 1715z), for the total combined income amount, and \$195,000 for the maximum net financial worth
 2097 amount which shall exclude the value of the principal residence and the land, not exceeding one acre,
 2098 upon which it is located.

2099 4. All income and net worth limitations shall be computed by aggregating the income and assets, as
 2100 the case may be, of a ~~husband and wife~~ *married individuals* who reside in the same dwelling and shall
 2101 be applied to any owner of the motor vehicle who seeks the benefit of the preferential tax rate permitted
 2102 under this article, irrespective of how such motor vehicle may be titled.

2103 **§ 59.1-332. Conditions on offering items as an inducement to execute.**

2104 A. It is unlawful for any person by any means, as part of an advertising program, to offer any item
 2105 of value as an inducement to the recipient to visit a membership camping operator's campground, attend
 2106 a sales presentation, or contact a salesperson, unless the person clearly discloses in writing in the offer
 2107 in readily understandable language each of the following:

2108 1. The name and campground address of the membership camping operator.
 2109 2. A general statement that the advertising program is being conducted by a membership camping
 2110 operator and the purpose of any requested visit.

2111 3. A statement of odds, in ~~arabic~~ *Arabic* numerals, of receiving each item offered.

2112 4. The approximate retail value of each item offered.

2113 5. The number of campgrounds that are participating in such advertising program.

2114 6. The restrictions, qualifications, and other conditions that must be satisfied before the recipient is
 2115 entitled to receive the item, including:

2116 a. Any deadline, if any, by which the recipient must visit the campground, attend the sales
 2117 presentation, or contact a salesperson in order to receive the item.

2118 b. The approximate duration of any visit and sales presentation.

2119 c. The date upon which the offer shall terminate and the final date upon which the gifts or prizes are
 2120 to be awarded.

2121 d. Any other conditions, such as minimum age qualification, a financial qualification, or a
 2122 requirement that if the recipient is married both ~~husband and wife~~ *spouses* must be present in order to
 2123 receive the item.

2124 7. A statement that the membership camping operator reserves the right to provide a rain check or a
 2125 substitute or like item, if these rights are reserved.

2126 8. All other material rules, terms, and conditions of the offer or program.

2127 B. It is unlawful for any person making an offer subject to subsection A, or any employee or agent
 2128 of the person, to offer any item if the person knows or has reason to know that the offered item will not
 2129 be available in a sufficient quantity based on the reasonably anticipated response to the offer.

2130 C. It is unlawful for any person making an offer subject to subsection A, or any employee or agent
 2131 of the person, to fail to provide any offered item ~~which~~ *that* any recipient who has responded to the
 2132 offer in the manner specified in the offer, has performed the requirements disclosed in the offer, and has
 2133 met the qualifications described in the offer is entitled to receive, unless the offered item is not
 2134 reasonably available and the offer discloses the reservation of a right to provide a rain check or a like or
 2135 substitute item if the offered item is unavailable.

2136 D. If the person making an offer subject to subsection A is unable to provide an offered item
 2137 because of limitations of supply, quantity, or quality not reasonably foreseeable or controllable by the
 2138 person making the offer, the person making the offer shall inform the recipient of the recipient's right to
 2139 receive a rain check for the item offered, unless the person making the offer knows or has a reasonable
 2140 basis for knowing that the item will not be reasonably available at approximately the same price to the
 2141 person making the offer, and shall inform the recipient of the recipient's right to at least one of the
 2142 following additional options:

2143 1. The person making the offer will provide a like item of equivalent or greater retail value or a rain
 2144 check for the item. This option must be offered if the offered item is not reasonably available.

2145 2. The person making the offer will provide a substitute item of equivalent or greater retail value.

2146 3. The person making the offer will provide a rain check for a like or substitute item.

2147 E. If a rain check is provided, the person making an offer subject to subsection A shall, within a
 2148 reasonable time, and in any event not more than ~~ninety~~ *90* days after the rain check is provided, deliver
 2149 the agreed item to the recipient's address without additional cost or obligation to the recipient, unless the
 2150 item for which the rain check is provided remains unavailable because of limitations of supply, quantity,

2151 or quality not reasonably foreseeable or controllable by the person making the offer. If the item is
 2152 unavailable for these reasons, the person shall, not more than ~~thirty~~ 30 days after the expiration of the
 2153 aforesaid ~~ninety-day~~ 90-day period, deliver a like item of equal or greater retail value or, if the item is
 2154 not reasonably available to the person at approximately the same price, a substitute item of equal or
 2155 greater retail value.

2156 F. On the written request of a recipient who has received or claims a right to receive any offered
 2157 item, the person making an offer subject to subsection A shall furnish to the recipient sufficient evidence
 2158 showing that the item provided matches the item randomly or otherwise selected for distribution to that
 2159 recipient.

2160 G. It is unlawful for any person making an offer subject to subsection A, or any employee or agent
 2161 of the person, to:

2162 1. Misrepresent the size, quantity, identity, or quality of any prize, gift, money, or other item of
 2163 value offered.

2164 2. Misrepresent in any manner the odds of receiving any particular gift, prize, amount of money, or
 2165 other item of value.

2166 3. Label any offer a "notice of termination" or "notice of cancellation."

2167 4. Materially misrepresent, in any manner, the offer, or program.

2168 H. If any provision of this section is in conflict with the provisions of the Prizes and Gifts Act
 2169 (§ 59.1-415 et seq.), the provisions of the Prizes and Gifts Act shall control.

2170 **§ 63.2-510. Obligation of person to support certain children living in same home; penalty.**

2171 A person ~~shall be~~ *is* responsible for the support and maintenance of any child or children living in
 2172 the same home in which he and the natural or adoptive parent of such child or children cohabit as ~~man~~
 2173 ~~and wife spouses~~ and any such person who without cause willfully neglects or refuses or fails to provide
 2174 for such support and maintenance ~~shall be~~ *is* guilty of a misdemeanor and upon conviction shall be
 2175 punished in accordance with the provisions of § 20-61.

2176 A pregnancy or the birth of a child during the time a person occupies the status set out above shall
 2177 not be required as proof of cohabitation.

2178 The obligations imposed herein shall continue so long as such person occupies the status herein
 2179 described.

2180 **§ 63.2-1519. Physician-patient and spousal privileges inapplicable.**

2181 In any legal proceeding resulting from the filing of any report or complaint pursuant to this chapter,
 2182 the physician-patient and ~~husband-wife~~ *spousal* privileges shall not apply.

2183 **§ 64.2-200. Course of descents generally; right of Commonwealth if no other heir.**

2184 A. The real estate of any decedent not effectively disposed of by will descends and passes by
 2185 intestate succession in the following course:

2186 1. To the surviving spouse of the decedent, unless the decedent is survived by children or their
 2187 descendants, one or more of whom are not children or their descendants of the surviving spouse, in
 2188 which case, two-thirds of the estate descends and passes to the decedent's children and their descendants,
 2189 and one-third of the estate descends and passes to the surviving spouse.

2190 2. If there is no surviving spouse, then the estate descends and passes to the decedent's children and
 2191 their descendants.

2192 3. If there is none of the foregoing, then to the decedent's parents, or to the surviving parent.

2193 4. If there is none of the foregoing, then to the decedent's ~~brothers and sisters~~ *siblings*, and their
 2194 descendants.

2195 5. If there is none of the foregoing, then one-half of the estate descends and passes to the ~~paternal~~
 2196 ~~kindred of one of the decedent's parents~~ and one-half descends and passes to the ~~maternal~~ kindred of the
 2197 ~~decedent~~ *other of the decedent's parents* in the following course:

2198 a. To the decedent's grandparents, or to the surviving grandparent.

2199 b. If there is none of the foregoing, then to the decedent's uncles and aunts, and their descendants.

2200 c. If there is none of the foregoing, then to the decedent's great-grandparents.

2201 d. If there is none of the foregoing, then to the ~~brothers and sisters~~ *siblings* of the decedent's
 2202 grandparents, and their descendants.

2203 e. And so on, in other cases, without end, passing to the nearest lineal ancestors, and the descendants
 2204 of such ancestors.

2205 B. If there are ~~either~~ no surviving ~~paternal~~ kindred ~~or no surviving maternal kindred of one of the~~
 2206 ~~decedent's parents~~, the whole estate descends and passes to the ~~paternal or maternal~~ *surviving* kindred
 2207 ~~who survive the decedent of the other of the decedent's parents~~. If there are ~~neither maternal nor~~
 2208 ~~paternal~~ *no* kindred *of either parent*, the whole estate descends and passes to the kindred of the
 2209 decedent's most recent spouse, if any, provided that the decedent and the spouse were married at the
 2210 time of the spouse's death, as if such spouse had died intestate and entitled to the estate.

2211 C. If there is no other heir of a decedent's real estate, such real estate is subject to escheat to the
 2212 Commonwealth in accordance with Chapter 10 (§ 55-168 et seq.) of Title 55.

2213 **§ 64.2-905. Multiple beneficiaries; separate custodial trusts; survivorship.**

2214 A. Beneficial interests in a custodial trust created for multiple beneficiaries are deemed to be separate
 2215 custodial trusts of equal undivided interests for each beneficiary. Except in a transfer or declaration for
 2216 use and benefit of ~~husband and wife~~ *spouses*, for whom survivorship is presumed, a right of
 2217 survivorship does not exist unless the instrument creating the custodial trust specifically provides for
 2218 survivorship or survivorship is required as to marital property.

2219 B. Custodial trust property held under this chapter by the same custodial trustee for the use and
 2220 benefit of the same beneficiary may be administered as a single custodial trust.

2221 C. A custodial trustee of custodial trust property held for more than one beneficiary shall separately
 2222 account to each beneficiary pursuant to §§ 64.2-906 and 64.2-914 for the administration of the custodial
 2223 trust.

2224 **§ 64.2-2401. Bond; orders as to management of estate; support of dependents.**

2225 The court shall require that any conservator appointed pursuant to § 64.2-2400 post a bond in an
 2226 amount deemed sufficient by the court. The court shall also enter any orders it deems necessary (i)
 2227 directing the conservator in the management, operation, and control of the estate and (ii) requiring the
 2228 conservator to make ample and suitable provisions out of the estate in his possession, subject to the
 2229 rights of creditors, for the support of the absentee's *wife spouse* and minor children, as well as any other
 2230 person dependent upon the absentee for support and maintenance. The court shall require the conservator
 2231 to make reports from time to time as the court may deem expedient.

2232 **§ 65.2-512. Compensation to dependents of an employee killed; burial expenses.**

2233 A. Except as provided in subsections F, G and H, if death results from the accident within nine
 2234 years, the employer shall pay, or cause to be paid, compensation in weekly payments equal to ~~66~~ $\frac{2}{3}$
 2235 *and two-thirds* percent of the employee's average weekly wages, but not more than 100 percent of the
 2236 average weekly wage of the Commonwealth as defined in § 65.2-500 nor less than 25 percent of the
 2237 average weekly wage as defined therein:

2238 1. To those persons presumed to be wholly dependent upon the deceased employee as set forth in
 2239 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

2240 2. If there are no total dependents pursuant to subdivision A 1; ~~A or 2;~~ *or A 3* of § 65.2-515, to
 2241 those persons presumed to be wholly dependent as set forth in subdivision A 4 ~~3~~ of § 65.2-515, and to
 2242 those determined to be wholly dependent in fact, for a period of 400 weeks from the date of injury; or

2243 3. If there are no total dependents, to partial dependents in fact, for a period of 400 weeks from the
 2244 date of injury.

2245 B. The employer shall also pay burial expenses not exceeding \$10,000 and reasonable transportation
 2246 expenses for the deceased not exceeding \$1,000.

2247 C. Benefits shall be divided equally among total dependents, to the exclusion of partial dependents.
 2248 If there are no total dependents, benefits shall be divided among partial dependents according to the
 2249 dependency of each upon the earnings of the employee at the time of the injury, in the proportion that
 2250 partial dependency bears to total dependency.

2251 D. If benefits are terminated as to any member of a class herein, that member's share shall be
 2252 divided among the remaining members of the class proportionately according to their dependency.

2253 E. When weekly payments have been made to an injured employee before his death, the
 2254 compensation to dependents shall begin from the date of the last of such payments but shall not
 2255 continue for a period longer than specified in subsection A ~~of this section~~.

2256 F. No benefits shall be paid pursuant to this section to the dependents of an AmeriCorps member as
 2257 defined in subdivision ~~1 r~~ of the definition of "employee" in § 65.2-101.

2258 G. No benefits shall be paid pursuant to ~~subsections~~ *subsection A, C, D, or E* to the dependents of a
 2259 Food Stamp recipient participating in the work experience component of the Food Stamp Employment
 2260 and Training Program as defined in subdivision ~~1 s~~ of the definition of "employee" in § 65.2-101.

2261 H. No benefits shall be paid pursuant to ~~subsections~~ *subsection A, C, D, or E* to the dependents of a
 2262 Temporary Assistance for Needy Families recipient participating in the work experience component of
 2263 the Virginia Initiative for Education and Work as defined in subdivision ~~1 t~~ of the definition of
 2264 "employee" in § 65.2-101.

2265 **§ 65.2-515. Persons conclusively presumed to be wholly dependent.**

2266 A. The following persons shall be conclusively presumed to be dependents wholly dependent for
 2267 support upon the deceased employee:

2268 1. A ~~wife upon a husband whom she had not voluntarily deserted or abandoned at the time of the~~
 2269 ~~accident or with whom she lived at the time of his accident,~~ if she is then actually dependent upon him;

2270 2. A ~~husband spouse upon a wife his deceased spouse~~ whom he had not voluntarily deserted at the
 2271 time of the accident or with whom he lived at the time of ~~her~~ *the* accident, if he is then actually
 2272 dependent upon ~~her~~ *his deceased spouse*;

2273 3. 2. A child under the age of ~~eighteen~~ *18* upon a parent and a child over such age if physically or

2274 mentally incapacitated from earning a livelihood or a child under the age of ~~twenty-three~~ 23 if enrolled
2275 as a full-time student in any accredited educational institution; and

2276 4. 3. Parents in destitute circumstances, provided *that there be are* no total dependents pursuant to
2277 other provisions of this section.

2278 B. As used in this section, ~~the term "child" shall include~~ *includes* a stepchild, a legally adopted child,
2279 a posthumous child, and an acknowledged illegitimate child, but ~~shall~~ *does* not include a married child,
2280 and ~~the term "parent" shall include~~ *includes* stepparents and parents by adoption.

2281 **2. That §§ 20-45.2 and 20-45.3 of the Code of Virginia are repealed.**

2282 **3. That the provisions of this act may result in a net increase in periods of imprisonment or**
2283 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the**
2284 **necessary appropriation cannot be determined for periods of imprisonment in state adult**
2285 **correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia**
2286 **Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to**
2287 **§ 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be**
2288 **determined for periods of commitment to the custody of the Department of Juvenile Justice.**