

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend and reenact §§ 2.2-1604, 2.2-4310, 2.2-4311.1, 4.1-203.1, 6.2-2107.1, 13.1-753,
3 13.1-769, 13.1-915, 13.1-931, 13.1-1050.3, 13.1-1056.2, 13.1-1238.2, 13.1-1246.2, 18.2-308.09,
4 18.2-308.2:3, 19.2-81.6, 19.2-294.2, 22.1-287, 23.1-503, 32.1-343, 38.2-6500, 40.1-11.1, 46.2-328.1,
5 46.2-341.12, as it is currently effective and as it may become effective, 47.1-2, 50-73.52:6,
6 50-73.58:2, 53.1-218, 53.1-219, 53.1-220.1, 53.1-220.2, 55.1-100, 58.1-904, 60.2-214, 60.2-617,
7 64.2-203, 65.2-101, and 66-3.2 of the Code of Virginia, relating to persons who are not citizens or
8 nationals of the United States; terminology.

9 [H 891]

10 Approved

11 Be it enacted by the General Assembly of Virginia:

12 1. That §§ 2.2-1604, 2.2-4310, 2.2-4311.1, 4.1-203.1, 6.2-2107.1, 13.1-753, 13.1-769, 13.1-915,
13 13.1-931, 13.1-1050.3, 13.1-1056.2, 13.1-1238.2, 13.1-1246.2, 18.2-308.09, 18.2-308.2:3, 19.2-81.6,
14 19.2-294.2, 22.1-287, 23.1-503, 32.1-343, 38.2-6500, 40.1-11.1, 46.2-328.1, 46.2-341.12, as it is
15 currently effective and as it may become effective, 47.1-2, 50-73.52:6, 50-73.58:2, 53.1-218,
16 53.1-219, 53.1-220.1, 53.1-220.2, 55.1-100, 58.1-904, 60.2-214, 60.2-617, 64.2-203, 65.2-101, and
17 66-3.2 of the Code of Virginia are amended and reenacted as follows:

18 § 2.2-1604. Definitions.

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

20 "Certification" means the process by which (i) a business is determined to be a small, women-owned,
21 or minority-owned business or (ii) an employment services organization, for the purpose of reporting
22 small, women-owned, and minority-owned business and employment services organization participation
23 in state contracts and purchases pursuant to §§ 2.2-1608 and 2.2-1610.

24 "Department" means the Department of Small Business and Supplier Diversity or any division of the
25 Department to which the Director has delegated or assigned duties and responsibilities.

26 "Employment services organization" means an organization that provides community-based
27 employment services to individuals with disabilities that is an approved Commission on Accreditation of
28 Rehabilitation Facilities (CARF) accredited vendor of the Department for Aging and Rehabilitative
29 Services.

30 "Historically black colleges and university" includes any college or university that was established
31 prior to 1964; whose principal mission was, and is, the education of black Americans; and that is
32 accredited by a nationally recognized accrediting agency or association determined by the Secretary of
33 Education.

34 "Minority individual" means an individual who is a *United States* citizen ~~of the United States~~ or a
35 ~~legal resident alien~~ *lawfully admitted permanent resident* and who satisfies one or more of the following
36 definitions:

37 1. "African American" means a person having origins in any of the original peoples of Africa and
38 who is regarded as such by the community of which this person claims to be a part.

39 2. "Asian American" means a person having origins in any of the original peoples of the Far East,
40 Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China,
41 Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Mariana Islands, the Philippines, a U.S. territory of
42 the Pacific, India, Pakistan, Bangladesh, or Sri Lanka, and who is regarded as such by the community of
43 which this person claims to be a part.

44 3. "Hispanic American" means a person having origins in any of the Spanish-speaking peoples of
45 Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and
46 who is regarded as such by the community of which this person claims to be a part.

47 4. "Native American" means a person having origins in any of the original peoples of North America
48 and who is regarded as such by the community of which this person claims to be a part or who is
49 recognized by a tribal organization.

50 "Minority-owned business" means a business that is at least 51 percent owned by one or more
51 minority individuals who are ~~U.S.~~ *United States* citizens or ~~legal resident aliens~~ *lawfully admitted*
52 *permanent residents*, or in the case of a corporation, partnership, or limited liability company or other
53 entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited
54 liability company or other entity is owned by one or more minority individuals who are ~~U.S.~~ *United*
55 *States* citizens or ~~legal resident aliens~~ *lawfully admitted permanent residents*, and both the management
56 and daily business operations are controlled by one or more minority individuals, or any historically

57 black college or university, regardless of the percentage ownership by minority individuals or, in the
 58 case of a corporation, partnership, or limited liability company or other entity, the equity ownership
 59 interest in the corporation, partnership, or limited liability company or other entity.

60 "Small business" means a business that is at least 51 percent independently owned and controlled by
 61 one or more individuals who are *U.S. United States* citizens or ~~legal resident aliens lawfully admitted~~
 62 *permanent residents* and, together with affiliates, has 250 or fewer employees or average annual gross
 63 receipts of \$10 million or less averaged over the previous three years. One or more of the individual
 64 owners shall control both the management and daily business operations of the small business.

65 "State agency" means any authority, board, department, instrumentality, institution, agency, or other
 66 unit of state government. "State agency" does not include any county, city, or town.

67 "Women-owned business" means a business that is at least 51 percent owned by one or more women
 68 who are *U.S. United States* citizens or ~~legal resident aliens lawfully admitted permanent residents~~, or in
 69 the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of
 70 the equity ownership interest is owned by one or more women who are *U.S. United States* citizens or
 71 ~~legal resident aliens lawfully admitted permanent residents~~, and both the management and daily business
 72 operations are controlled by one or more women.

73 **§ 2.2-4310. Discrimination prohibited; participation of small, women-owned, minority-owned,**
 74 **and service disabled veteran-owned businesses and employment services organizations.**

75 A. In the solicitation or awarding of contracts, no public body shall discriminate against a bidder or
 76 offeror because of race, religion, color, sex, sexual orientation, gender identity, national origin, age,
 77 disability, status as a service disabled veteran, or any other basis prohibited by state law relating to
 78 discrimination in employment. Whenever solicitations are made, each public body shall include
 79 businesses selected from a list made available by the Department of Small Business and Supplier
 80 Diversity, which list shall include all companies and organizations certified by the Department.

81 B. All public bodies shall establish programs consistent with this chapter to facilitate the participation
 82 of small businesses, businesses owned by women, minorities, and service disabled veterans, and
 83 employment services organizations in procurement transactions. The programs established shall be in
 84 writing and shall comply with the provisions of any enhancement or remedial measures authorized by
 85 the Governor pursuant to subsection C or, where applicable, by the chief executive of a local governing
 86 body pursuant to § 15.2-965.1, and shall include specific plans to achieve any goals established therein.
 87 State agencies shall submit annual progress reports on (i) small, women-owned, and minority-owned
 88 business procurement, (ii) service disabled veteran-owned business procurement, and (iii) employment
 89 services organization procurement to the Department of Small Business and Supplier Diversity in a form
 90 specified by the Department of Small Business and Supplier Diversity. Contracts and subcontracts
 91 awarded to employment services organizations and service disabled veteran-owned businesses shall be
 92 credited toward the small business, women-owned, and minority-owned business contracting and
 93 subcontracting goals of state agencies and contractors. The Department of Small Business and Supplier
 94 Diversity shall make information on service disabled veteran-owned procurement available to the
 95 Department of Veterans Services upon request.

96 C. Whenever there exists (i) a rational basis for small business or employment services organization
 97 enhancement or (ii) a persuasive analysis that documents a statistically significant disparity between the
 98 availability and utilization of women-owned and minority-owned businesses, the Governor is authorized
 99 and encouraged to require state agencies to implement appropriate enhancement or remedial measures
 100 consistent with prevailing law. Any enhancement or remedial measure authorized by the Governor
 101 pursuant to this subsection for state public bodies may allow for small businesses certified by the
 102 Department of Small Business and Supplier Diversity or a subcategory of small businesses established as
 103 a part of the enhancement program to have a price preference over noncertified businesses competing for
 104 the same contract award on designated procurements, provided that the bid of the certified small
 105 business or the business in such subcategory of small businesses established as a part of an enhancement
 106 program does not exceed the low bid by more than five percent.

107 D. In awarding a contract for services to a small, women-owned, or minority-owned business that is
 108 certified in accordance with § 2.2-1606, or to a business identified by a public body as a service
 109 disabled veteran-owned business where the award is being made pursuant to an enhancement or remedial
 110 program as provided in subsection C, the public body shall include in every such contract of more than
 111 \$10,000 the following:

112 "If the contractor intends to subcontract work as part of its performance under this contract, the
 113 contractor shall include in the proposal a plan to subcontract to small, women-owned, minority-owned,
 114 and service disabled veteran-owned businesses."

115 E. In the solicitation or awarding of contracts, no state agency, department, or institution shall
 116 discriminate against a bidder or offeror because the bidder or offeror employs ex-offenders unless the
 117 state agency, department, or institution has made a written determination that employing ex-offenders on

118 the specific contract is not in its best interest.

119 F. As used in this section:

120 "Employment services organization" means an organization that provides community-based
121 employment services to individuals with disabilities that is an approved Commission on Accreditation of
122 Rehabilitation Facilities (CARF) accredited vendor of the Department for Aging and Rehabilitative
123 Services.

124 "Minority individual" means an individual who is a *United States* citizen of the ~~United States~~ or a
125 ~~legal resident alien~~ *lawfully admitted permanent resident* and who satisfies one or more of the following
126 definitions:

127 1. "African American" means a person having origins in any of the original peoples of Africa and
128 who is regarded as such by the community of which this person claims to be a part.

129 2. "Asian American" means a person having origins in any of the original peoples of the Far East,
130 Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China,
131 Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Mariana Islands, the Philippines, a U.S. territory of
132 the Pacific, India, Pakistan, Bangladesh, or Sri Lanka and who is regarded as such by the community of
133 which this person claims to be a part.

134 3. "Hispanic American" means a person having origins in any of the Spanish-speaking peoples of
135 Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and
136 who is regarded as such by the community of which this person claims to be a part.

137 4. "Native American" means a person having origins in any of the original peoples of North America
138 and who is regarded as such by the community of which this person claims to be a part or who is
139 recognized by a tribal organization.

140 "Minority-owned business" means a business that is at least 51 percent owned by one or more
141 minority individuals who are ~~U.S.~~ *United States* citizens or ~~legal resident aliens~~ *lawfully admitted*
142 *permanent residents*, or in the case of a corporation, partnership, or limited liability company or other
143 entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited
144 liability company or other entity is owned by one or more minority individuals who are ~~U.S.~~ *United*
145 *States* citizens or ~~legal resident aliens~~ *lawfully admitted permanent residents*, and both the management
146 and daily business operations are controlled by one or more minority individuals, or any historically
147 black college or university as defined in § 2.2-1604, regardless of the percentage ownership by minority
148 individuals or, in the case of a corporation, partnership, or limited liability company or other entity, the
149 equity ownership interest in the corporation, partnership, or limited liability company or other entity.

150 "Service disabled veteran" means a veteran who (i) served on active duty in the United States
151 military ground, naval, or air service, (ii) was discharged or released under conditions other than
152 dishonorable, and (iii) has a service-connected disability rating fixed by the United States Department of
153 Veterans Affairs.

154 "Service disabled veteran business" means a business that is at least 51 percent owned by one or
155 more service disabled veterans or, in the case of a corporation, partnership, or limited liability company
156 or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or
157 limited liability company or other entity is owned by one or more individuals who are service disabled
158 veterans and both the management and daily business operations are controlled by one or more
159 individuals who are service disabled veterans.

160 "Small business" means a business, independently owned and controlled by one or more individuals
161 who are ~~U.S.~~ *United States* citizens or ~~legal resident aliens~~ *lawfully admitted permanent residents*, and
162 together with affiliates, has 250 or fewer employees, or annual gross receipts of \$10 million or less
163 averaged over the previous three years. One or more of the individual owners shall control both the
164 management and daily business operations of the small business.

165 "State agency" means any authority, board, department, instrumentality, institution, agency, or other
166 unit of state government. "State agency" shall not include any county, city, or town.

167 "Women-owned business" means a business that is at least 51 percent owned by one or more women
168 who are ~~U.S.~~ *United States* citizens or ~~legal resident aliens~~ *lawfully admitted permanent residents*, or in
169 the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of
170 the equity ownership interest is owned by one or more women who are ~~U.S.~~ *United States* citizens or
171 ~~legal resident aliens~~ *lawfully admitted permanent residents*, and both the management and daily business
172 operations are controlled by one or more women.

173 **§ 2.2-4311.1. Compliance with federal, state, and local laws and federal immigration law;**
174 **required contract provisions.**

175 All public bodies shall provide in every written contract that the contractor does not, and shall not
176 during the performance of the contract for goods and services in the Commonwealth, knowingly employ
177 ~~an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986~~ *any person*
178 *who is not lawfully present in the United States or is not authorized for employment as described in 8*

179 U.S.C. § 1324a(h)(3).

180 **§ 4.1-203.1. Managers of licensed retail establishments.**

181 The Board may suspend or revoke any license if it finds that the licensee has been convicted for a
 182 violation of 8 U.S.C. § ~~1324a~~ 1324a(f), as amended, for actions of its managers or otherwise
 183 constituting a pattern or practice of ~~employing unauthorized aliens~~ *unlawful employment* on the licensed
 184 premises in the Commonwealth *as described in that section*.

185 **§ 6.2-2107.1. Recordkeeping requirements.**

186 A. As used in this section, a customer's "identification document" means any of the following:

- 187 1. A state-issued driver's license or identification card;
- 188 2. A U.S. government *permanent* resident ~~alien~~ *identification* card;
- 189 3. A passport;
- 190 4. A U.S. military identification card;
- 191 5. A Non-U.S. government identification card;
- 192 6. A Mexican Matricula identification card; or
- 193 7. Other government identification card.

194 B. A registrant shall not cash an item for a customer in the course of conducting its business unless
 195 the registrant:

196 1. Makes a copy of both sides of the item or maintains a record of the following information that is
 197 available from the item:

- 198 a. ABA number;
- 199 b. Account number;
- 200 c. Check number;
- 201 d. Check type;
- 202 e. Date of check; and
- 203 f. Check amount; and

204 2. Makes a copy of an identification document that is presented by the customer to the registrant at
 205 the time the customer presents the item for cashing or maintains a record of the following information
 206 that is available from the identification:

- 207 a. Name;
- 208 b. Address;
- 209 c. Date of birth;
- 210 d. Type of identification;
- 211 e. Identification number; and
- 212 f. Identification expiration date.

213 C. A registrant shall maintain the information required by subsection B and a record of the time and
 214 date of the transaction. Such materials shall be maintained for a period of not less than six months
 215 following the date an item is cashed.

216 D. The provisions of this section shall not apply to any registrant that is principally engaged in the
 217 bona fide retail sale of goods or services.

218 **§ 13.1-753. Involuntary termination of corporate existence.**

219 A. The corporate existence of a corporation may be terminated involuntarily by order of the
 220 Commission when it finds that the corporation (i) has continued to exceed or abuse the authority
 221 conferred upon it by law; (ii) has failed to maintain a registered office or a registered agent in this
 222 Commonwealth as required by law; (iii) has failed to file any document required by this chapter to be
 223 filed with the Commission; or (iv) has been convicted for a violation of 8 U.S.C. § 1324a(f), as
 224 amended, for actions of its officers and directors constituting a pattern or practice of ~~employing~~
 225 ~~unauthorized aliens~~ *unlawful employment* in the Commonwealth *as described in that section*. Upon
 226 termination, the properties and affairs of the corporation shall pass automatically to its directors as
 227 trustees in liquidation. The trustees then shall proceed to collect the assets of the corporation; sell,
 228 convey and dispose of such of its properties as are not to be distributed in kind to its shareholders; pay,
 229 satisfy and discharge its liabilities and obligations; and do all other acts required to liquidate its business
 230 and affairs. After paying or adequately providing for the payment of all its obligations, the trustees shall
 231 distribute the remainder of its assets, either in cash or in kind, among its shareholders according to their
 232 respective rights and interests. A corporation whose existence is terminated pursuant to clause (iv) shall
 233 not be eligible for reinstatement for a period of not less than one year.

234 B. Any corporation convicted of the offense listed in clause (iv) of subsection A shall immediately
 235 report such conviction to the Commission and file with the Commission an authenticated copy of the
 236 judgment or record of conviction.

237 C. Before entering any such order the Commission shall issue a rule against the corporation giving it
 238 an opportunity to be heard and show cause why such an order should not be entered. The Commission
 239 may issue the rule on its own motion or on motion of the Attorney General.

240 **§ 13.1-769. Involuntary revocation of certificate of authority.**

241 A. The certificate of authority to transact business in the Commonwealth of any foreign corporation
242 may be revoked by order of the Commission when it finds that such foreign corporation:

- 243 1. Has continued to exceed the authority conferred upon it by law;
244 2. Has failed to maintain a registered office or a registered agent in the Commonwealth as required
245 by law;
246 3. Has failed to file any document required by this chapter to be filed with the Commission;
247 4. No longer exists under the laws of the jurisdiction of its formation; or
248 5. Has been convicted for a violation of 8 U.S.C. § 1324a(f), as amended, for actions of its officers
249 and directors constituting a pattern or practice of ~~employing unauthorized aliens~~ *unlawful employment* in
250 the Commonwealth *as described in that section*.

251 A certificate of authority revoked pursuant to subdivision A 5 shall not be eligible for reinstatement
252 for a period of not less than one year.

253 B. A foreign corporation convicted of the offense listed in subdivision A 5 shall immediately report
254 such conviction to the Commission and file with the Commission an authenticated copy of the judgment
255 or record of conviction.

256 C. Before entering an order revoking the certificate of authority of a foreign corporation under
257 subsection A, the Commission shall issue a rule against the foreign corporation giving it an opportunity
258 to be heard and show cause why such an order should not be entered. The Commission may issue the
259 rule on its own motion or on motion of the Attorney General.

260 D. The authority of a foreign corporation to transact business in the Commonwealth ceases on the
261 date shown on the order revoking its certificate of authority.

262 E. The Commission's revocation of a foreign corporation's certificate of authority appoints the clerk
263 of the Commission as an agent of the foreign corporation for service of process in any proceeding based
264 on a cause of action arising during the time the foreign corporation was authorized to transact business
265 in the Commonwealth. Service of process on the clerk of the Commission under this subsection is
266 service on the foreign corporation and shall be made on the clerk in accordance with § 12.1-19.1.

267 F. Revocation of a foreign corporation's certificate of authority does not terminate the authority of
268 the registered agent of the corporation.

269 **§ 13.1-915. Involuntary termination of corporate existence.**

270 A. The corporate existence of a corporation may be terminated involuntarily by order of the
271 Commission when it finds that the corporation (i) has continued to exceed or abuse the authority
272 conferred upon it by law; (ii) has failed to maintain a registered office or a registered agent in the
273 Commonwealth as required by law; (iii) has failed to file any document required by this Act to be filed
274 with the Commission; or (iv) has been convicted for a violation of 8 U.S.C. § 1324a(f), as amended, for
275 actions of its officers and directors constituting a pattern or practice of ~~employing unauthorized aliens~~
276 *unlawful employment* in the Commonwealth *as described in that section*. Upon termination, the
277 properties and affairs of the corporation shall pass automatically to its directors as trustees in liquidation.
278 The trustees then shall proceed to collect the assets of the corporation, and pay, satisfy and discharge its
279 liabilities and obligations and do all other acts required to liquidate its business and affairs. After paying
280 or adequately providing for the payment of all its obligations, the trustees shall distribute the remainder
281 of its assets in accordance with § 13.1-907. A corporation whose existence is terminated pursuant to
282 clause (iv) shall not be eligible for reinstatement for a period of not less than one year.

283 B. Any corporation convicted of the offense listed in clause (iv) of subsection A shall immediately
284 report such conviction to the Commission and file with the Commission an authenticated copy of the
285 judgment or record of conviction.

286 C. Before entering any such order the Commission shall issue a rule against the corporation giving it
287 an opportunity to be heard and show cause why such an order should not be entered. The Commission
288 may issue the rule on its own motion or on motion of the Attorney General.

289 **§ 13.1-931. Involuntary revocation of certificate of authority.**

290 A. The certificate of authority to transact business in the Commonwealth of any foreign corporation
291 may be revoked by order of the Commission when it finds that the corporation:

- 292 1. Has continued to exceed the authority conferred upon it by law;
293 2. Has failed to maintain a registered office or a registered agent in the Commonwealth as required
294 by law;
295 3. Has failed to file any document required by this Act to be filed with the Commission;
296 4. No longer exists under the laws of the state or country of its incorporation; or
297 5. Has been convicted for a violation of 8 U.S.C. § 1324a(f), as amended, for actions of its officers
298 and directors constituting a pattern or practice of ~~employing unauthorized aliens~~ *unlawful employment* in
299 the Commonwealth *as described in that section*.

300 A certificate revoked pursuant to subdivision A 5 shall not be eligible for reinstatement for a period

301 of not less than one year.

302 B. Any foreign corporation convicted of the offense listed in subdivision A 5 shall immediately
303 report such conviction to the Commission and file with the Commission an authenticated copy of the
304 judgment or record of conviction.

305 C. Before entering any such order the Commission shall issue a rule against the corporation giving it
306 an opportunity to be heard and show cause why such an order should not be entered. The Commission
307 may issue the rule on its own motion or on motion of the Attorney General.

308 D. The authority of a foreign corporation to transact business in the Commonwealth ceases on the
309 date shown on the order revoking its certificate of authority.

310 E. The Commission's revocation of a foreign corporation's certificate of authority appoints the clerk
311 of the Commission the foreign corporation's agent for service of process in any proceeding based on a
312 cause of action arising during the time the foreign corporation was authorized to transact business in the
313 Commonwealth. Service of process on the clerk of the Commission under this subsection is service on
314 the foreign corporation and shall be made on the clerk in accordance with § 12.1-19.1.

315 F. Revocation of a foreign corporation's certificate of authority does not terminate the authority of
316 the registered agent of the corporation.

317 **§ 13.1-1050.3. Involuntary cancellation of limited liability company existence.**

318 A. The existence of a limited liability company may be canceled involuntarily by order of the
319 Commission when it finds that the limited liability company has:

320 1. Continued to exceed or abuse the authority conferred upon it by law;
321 2. Failed to maintain a registered office or a registered agent in the Commonwealth as required by
322 law;

323 3. Failed to file any document required by this chapter to be filed with the Commission; or

324 4. Been convicted for a violation of 8 U.S.C. § ~~1324a~~ (~~f~~) *1324a(f)*, as amended, for actions of its
325 members or managers constituting a pattern or practice of ~~employing unauthorized aliens unlawful~~
326 *employment in the Commonwealth as described in that section.*

327 B. Before entering any such order, the Commission shall issue a rule against the limited liability
328 company giving it an opportunity to be heard and show cause why such an order should not be entered.
329 The Commission may issue the rule on its own motion or on motion of the Attorney General.

330 C. The properties and affairs of a limited liability company whose existence has been canceled
331 pursuant to this section shall pass automatically to its managers, or if the limited liability company is
332 managed by its members, then to its members, or if the limited liability company has no managers or
333 members, then to the holders of its interests, in each such case as trustees in liquidation. The trustees
334 shall then proceed to (i) collect the assets of the limited liability company; (ii) sell, convey, and dispose
335 of such of its properties as are not to be distributed in kind to its members; (iii) pay, satisfy, and
336 discharge its liabilities and obligations; and (iv) do all other acts required to liquidate its business and
337 affairs. After paying or adequately providing for the payment of all its obligations, the trustees shall
338 distribute the remainder of its assets, either in cash or in kind, among its members or interest holders
339 according to their respective rights and interests.

340 D. Any limited liability company convicted of the offense listed in subdivision A 4 shall immediately
341 report such conviction to the Commission and file with the Commission an authenticated copy of the
342 judgment or record of conviction. A limited liability company whose existence is canceled pursuant to
343 subdivision A 4 shall not be eligible for reinstatement for a period of not less than one year.

344 **§ 13.1-1056.2. Involuntary cancellation of certificate of registration.**

345 A. The certificate of registration to transact business in the Commonwealth of any foreign limited
346 liability company may be canceled involuntarily by order of the Commission when it finds that the
347 foreign limited liability company:

348 1. Has continued to exceed or abuse the authority conferred upon it by law;
349 2. Has failed to maintain a registered office or a registered agent in the Commonwealth as required
350 by law;

351 3. Has failed to file any document required by this chapter to be filed with the Commission;

352 4. No longer exists under the laws of the state or other jurisdiction of its organization; or

353 5. Has been convicted for a violation of 8 U.S.C. § ~~1324a~~ (~~f~~) *1324a(f)*, as amended, for actions of its
354 members or managers constituting a pattern or practice of ~~employing unauthorized aliens unlawful~~
355 *employment in the Commonwealth as described in that section.*

356 B. Before entering any such order the Commission shall issue a rule against the foreign limited
357 liability company giving it an opportunity to be heard and show cause why such an order should not be
358 entered. The Commission may issue the rule on its own motion or on motion of the Attorney General.

359 C. The authority of a foreign limited liability company to transact business in the Commonwealth
360 ceases on the date shown on the order canceling its certificate of registration.

361 D. The Commission's cancellation of a foreign limited liability company's certificate of registration

362 appoints the clerk of the Commission the foreign limited liability company's agent for service of process
 363 in any proceeding based on a cause of action arising during the time the foreign limited liability
 364 company was registered to transact business in the Commonwealth. Service of process on the clerk of
 365 the Commission under this subsection is service on the foreign limited liability company and shall be
 366 made on the clerk in accordance with § 12.1-19.1.

367 E. Cancellation of a foreign limited liability company's certificate of registration does not terminate
 368 the authority of the registered agent of the foreign limited liability company.

369 F. Any foreign limited liability company convicted of the offense listed in subdivision A 5 shall
 370 immediately report such conviction to the Commission and file with the Commission an authenticated
 371 copy of the judgment or record of conviction. A certificate of registration canceled pursuant to
 372 subdivision A 5 shall not be eligible for reinstatement for a period of not less than one year.

373 **§ 13.1-1238.2. Involuntary cancellation of business trust existence.**

374 A. The existence of a business trust may be canceled involuntarily by order of the Commission when
 375 it finds that the business trust has:

376 1. Continued to exceed or abuse the authority conferred upon it by law;

377 2. Failed to maintain a registered office or a registered agent in the Commonwealth as required by
 378 law;

379 3. Failed to file any document required by this chapter to be filed with the Commission; or

380 4. Been convicted for a violation of 8 U.S.C. § ~~1324a~~ (~~§~~) *1324a(f)*, as amended, for actions of its
 381 trustees or beneficial owners authorized to act on the behalf of a business trust constituting a pattern or
 382 practice of ~~employing unauthorized aliens~~ *unlawful employment* in the Commonwealth *as described in*
 383 *that section*.

384 B. Before entering any such order, the Commission shall issue a rule against the business trust giving
 385 it an opportunity to be heard and show cause why such an order should not be entered. The
 386 Commission may issue the rule on its own motion or on motion of the Attorney General.

387 C. The properties and affairs of a business trust whose existence has been canceled pursuant to this
 388 section shall pass automatically to its trustees as trustees in liquidation. The trustees shall then proceed
 389 to (i) collect the assets of the business trust; (ii) sell, convey, and dispose of such of its properties as are
 390 not to be distributed in kind to its beneficial owners; (iii) pay, satisfy, and discharge its liabilities and
 391 obligations; and (iv) do all other acts required to liquidate its business and affairs. After paying or
 392 adequately providing for the payment of all its obligations, the liquidating trustees shall distribute the
 393 remainder of its assets, either in cash or in kind, among its beneficial owners according to their
 394 respective rights and interests.

395 D. Any business trust convicted of the offense listed in subdivision A 4 shall immediately report
 396 such conviction to the Commission and file with the Commission an authenticated copy of the judgment
 397 or record of conviction. A business trust whose existence is canceled pursuant to subdivision A 4 shall
 398 not be eligible for reinstatement for a period of not less than one year.

399 **§ 13.1-1246.2. Involuntary cancellation of registration.**

400 A. The certificate of registration to transact business in the Commonwealth of any foreign business
 401 trust may be canceled involuntarily by order of the Commission when it finds that the foreign business
 402 trust:

403 1. Has continued to exceed or abuse the authority conferred upon it by law;

404 2. Has failed to maintain a registered office or a registered agent in the Commonwealth as required
 405 by law;

406 3. Has failed to file any document required by this chapter to be filed with the Commission;

407 4. No longer exists under the laws of the state or other jurisdiction of its formation; or

408 5. Has been convicted for a violation of 8 U.S.C. § ~~1324a~~ (~~§~~) *1324a(f)*, as amended, for actions of its
 409 trustees or beneficial owners authorized to act on the behalf of a foreign business trust constituting a
 410 pattern or practice of ~~employing unauthorized aliens~~ *unlawful employment* in the Commonwealth *as*
 411 *described in that section*.

412 B. Before entering any such order, the Commission shall issue a rule against the foreign business
 413 trust giving it an opportunity to be heard and show cause why such an order should not be entered. The
 414 Commission may issue the rule on its own motion or on motion of the Attorney General.

415 C. The authority of a foreign business trust to transact business in the Commonwealth ceases on the
 416 date shown on the order canceling its certificate of registration.

417 D. The Commission's cancellation of a foreign business trust's certificate of registration appoints the
 418 clerk of the Commission the foreign business trust's agent for service of process in any proceeding based
 419 on a cause of action arising during the time the foreign business trust was authorized to transact
 420 business in the Commonwealth. Service of process on the clerk of the Commission under this subsection
 421 is service on the foreign business trust and shall be made on the clerk in accordance with § 12.1-19.1.

422 E. Cancellation of a foreign business trust's certificate of registration does not terminate the authority

423 of the registered agent of the foreign business trust.

424 F. Any foreign business trust convicted of the offense listed in subdivision A 5 shall immediately
 425 report such conviction to the Commission and file with the Commission an authenticated copy of the
 426 judgment or record of conviction. A certificate of registration canceled pursuant to subdivision A 5 shall
 427 not be eligible for reinstatement for a period of not less than one year.

428 **§ 18.2-308.09. Disqualifications for a concealed handgun permit.**

429 The following persons shall be deemed disqualified from obtaining a permit:

430 1. An individual who is ineligible to possess a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2,
 431 18.2-308.1:3, 18.2-308.1:6, 18.2-308.1:7, or 18.2-308.1:8 or the substantially similar law of any other
 432 state or of the United States.

433 2. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:1 and who was
 434 discharged from the custody of the Commissioner pursuant to § 19.2-182.7 less than five years before
 435 the date of his application for a concealed handgun permit.

436 3. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:2 and whose
 437 competency or capacity was restored pursuant to § 64.2-2012 less than five years before the date of his
 438 application for a concealed handgun permit.

439 4. An individual who was ineligible to possess a firearm under § 18.2-308.1:3 and who was released
 440 from commitment less than five years before the date of this application for a concealed handgun
 441 permit.

442 5. An individual who is subject to a restraining order, or to a protective order and prohibited by
 443 § 18.2-308.1:4 from purchasing, possessing, or transporting a firearm.

444 6. An individual who is prohibited by § 18.2-308.2 from possessing or transporting a firearm, except
 445 that a restoration order may be obtained in accordance with subsection C of that section.

446 7. An individual who has been convicted of two or more misdemeanors within the five-year period
 447 immediately preceding the application, if one of the misdemeanors was a Class 1 misdemeanor, but the
 448 judge shall have the discretion to deny a permit for two or more misdemeanors that are not Class 1.
 449 Traffic infractions and misdemeanors set forth in Title 46.2 shall not be considered for purposes of this
 450 disqualification.

451 8. An individual who is addicted to, or is an unlawful user or distributor of, marijuana, synthetic
 452 cannabinoids, or any controlled substance.

453 9. An individual who has been convicted of a violation of § 18.2-266 or a substantially similar local
 454 ordinance, or of public drunkenness, or of a substantially similar offense under the laws of any other
 455 state, the District of Columbia, the United States, or its territories within the three-year period
 456 immediately preceding the application.

457 10. An ~~alien other than an alien~~ *individual who is not a citizen or national of the United States and*
 458 *is not otherwise* lawfully admitted for permanent residence in the United States.

459 11. An individual who has been discharged from the armed forces of the United States under
 460 dishonorable conditions.

461 12. An individual who is a fugitive from justice.

462 13. An individual who the court finds, by a preponderance of the evidence, based on specific acts by
 463 the applicant, is likely to use a weapon unlawfully or negligently to endanger others. The sheriff, chief
 464 of police, or attorney for the Commonwealth may submit to the court a sworn, written statement
 465 indicating that, in the opinion of such sheriff, chief of police, or attorney for the Commonwealth, based
 466 upon a disqualifying conviction or upon the specific acts set forth in the statement, the applicant is
 467 likely to use a weapon unlawfully or negligently to endanger others. The statement of the sheriff, chief
 468 of police, or the attorney for the Commonwealth shall be based upon personal knowledge of such
 469 individual or of a deputy sheriff, police officer, or assistant attorney for the Commonwealth of the
 470 specific acts, or upon a written statement made under oath before a notary public of a competent person
 471 having personal knowledge of the specific acts.

472 14. An individual who has been convicted of any assault, assault and battery, sexual battery,
 473 discharging of a firearm in violation of § 18.2-280 or 18.2-286.1 or brandishing of a firearm in violation
 474 of § 18.2-282 within the three-year period immediately preceding the application.

475 15. An individual who has been convicted of stalking.

476 16. An individual whose previous convictions or adjudications of delinquency were based on an
 477 offense that would have been at the time of conviction a felony if committed by an adult under the laws
 478 of any state, the District of Columbia, the United States or its territories. For purposes of this
 479 disqualifier, only convictions occurring within 16 years following the later of the date of (i) the
 480 conviction or adjudication or (ii) release from any incarceration imposed upon such conviction or
 481 adjudication shall be deemed to be "previous convictions." Disqualification under this subdivision shall
 482 not apply to an individual with previous adjudications of delinquency who has completed a term of
 483 service of no less than two years in the Armed Forces of the United States and, if such person has been

484 discharged from the Armed Forces of the United States, received an honorable discharge.

485 17. An individual who has a felony charge pending or a charge pending for an offense listed in
486 subdivision 14 or 15.

487 18. An individual who has received mental health treatment or substance abuse treatment in a
488 residential setting within five years prior to the date of his application for a concealed handgun permit.

489 19. An individual not otherwise ineligible pursuant to this article, who, within the three-year period
490 immediately preceding the application for the permit, was found guilty of any criminal offense set forth
491 in Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1, Article 1 (§ 18.2-247 et seq.), or former § 18.2-248.1:1
492 or of a criminal offense of illegal possession or distribution of marijuana, synthetic cannabinoids, or any
493 controlled substance, under the laws of any state, the District of Columbia, or the United States or its
494 territories.

495 20. An individual, not otherwise ineligible pursuant to this article, with respect to whom, within the
496 three-year period immediately preceding the application, upon a charge of any criminal offense set forth
497 in Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1, Article 1 (§ 18.2-247 et seq.), or former § 18.2-248.1:1
498 or upon a charge of illegal possession or distribution of marijuana, synthetic cannabinoids, or any
499 controlled substance under the laws of any state, the District of Columbia, or the United States or its
500 territories, the trial court found that the facts of the case were sufficient for a finding of guilt and
501 disposed of the case pursuant to § 18.2-251 or the substantially similar law of any other state, the
502 District of Columbia, or the United States or its territories.

503 **§ 18.2-308.2:3. Criminal background check required for employees of a gun dealer to transfer**
504 **firearms; exemptions; penalties.**

505 A. No person, corporation, or proprietorship licensed as a firearms dealer pursuant to 18 U.S.C.
506 § 921 et seq. shall employ any person to act as a seller, whether full-time or part-time, permanent,
507 temporary, paid or unpaid, for the transfer of firearms under § 18.2-308.2:2, if such employee would be
508 prohibited from possessing a firearm under § 18.2-308.1:1, 18.2-308.1:2, or 18.2-308.1:3, subsection B
509 of § 18.2-308.1:4, or § 18.2-308.1:6, 18.2-308.1:7, 18.2-308.1:8, 18.2-308.2, or 18.2-308.2:01, or is an
510 ~~an~~ *illegal alien illegally present in the United States*, or is prohibited from purchasing or transporting a
511 firearm pursuant to subsection A of § 18.2-308.1:4 or § 18.2-308.1:5.

512 B. Prior to permitting an applicant to begin employment, the dealer shall obtain a written statement
513 or affirmation from the applicant that he is not disqualified from possessing a firearm and shall submit
514 the applicant's fingerprints and personal descriptive information to the Central Criminal Records
515 Exchange to be forwarded to the Federal Bureau of Investigation (FBI) for the purpose of obtaining
516 national criminal history record information regarding the applicant.

517 C. Prior to August 1, 2000, the dealer shall obtain written statements or affirmations from persons
518 employed before July 1, 2000, to act as a seller under § 18.2-308.2:2 that they are not disqualified from
519 possessing a firearm. Within five working days of the employee's next birthday, after August 1, 2000,
520 the dealer shall submit the employee's fingerprints and personal descriptive information to the Central
521 Criminal Records Exchange to be forwarded to the Federal Bureau of Investigation (FBI) for the
522 purpose of obtaining national criminal history record information regarding the request.

523 C1. In lieu of submitting fingerprints pursuant to this section, any dealer holding a valid federal
524 firearms license (FFL) issued by the Bureau of Alcohol, Tobacco and Firearms (ATF) may submit a
525 sworn and notarized affidavit to the Department of State Police on a form provided by the Department,
526 stating that the dealer has been subjected to a record check prior to the issuance and that the FFL was
527 issued by the ATF. The affidavit may also contain the names of any employees that have been subjected
528 to a record check and approved by the ATF. This exemption shall apply regardless of whether the FFL
529 was issued in the name of the dealer or in the name of the business. The affidavit shall contain the valid
530 FFL number, state the name of each person requesting the exemption, together with each person's
531 identifying information, including their social security number and the following statement: "I hereby
532 swear, under the penalty of perjury, that as a condition of obtaining a federal firearms license, each
533 person requesting an exemption in this affidavit has been subjected to a fingerprint identification check
534 by the Bureau of Alcohol, Tobacco and Firearms and the Bureau of Alcohol, Tobacco and Firearms
535 subsequently determined that each person satisfied the requirements of 18 U.S.C. § 921 et seq. I
536 understand that any person convicted of making a false statement in this affidavit is guilty of a Class 5
537 felony and that in addition to any other penalties imposed by law, a conviction under this section shall
538 result in the forfeiture of my federal firearms license."

539 D. The Department of State Police, upon receipt of an individual's record or notification that no
540 record exists, shall submit an eligibility report to the requesting dealer within 30 days of the applicant
541 beginning his duties for new employees or within 30 days of the applicant's birthday for a person
542 employed prior to July 1, 2000.

543 E. If any applicant is denied employment because of information appearing on the criminal history
544 record and the applicant disputes the information upon which the denial was based, the Central Criminal

545 Records Exchange shall, upon written request, furnish to the applicant the procedures for obtaining a
 546 copy of the criminal history record from the Federal Bureau of Investigation. The information provided
 547 to the dealer shall not be disseminated except as provided in this section.

548 F. The applicant shall bear the cost of obtaining the criminal history record unless the dealer, at his
 549 option, decides to pay such cost.

550 G. Upon receipt of the request for a criminal history record information check, the State Police shall
 551 establish a unique number for that firearm seller. Beginning September 1, 2001, the firearm seller's
 552 signature, firearm seller's number and the dealer's identification number shall be on all firearm
 553 transaction forms. The State Police shall void the firearm seller's number when a disqualifying record is
 554 discovered. The State Police may suspend a firearm seller's identification number upon the arrest of the
 555 firearm seller for a potentially disqualifying crime.

556 H. This section shall not restrict the transfer of a firearm at any place other than at a dealership or at
 557 any event required to be registered as a gun show.

558 I. Any person who willfully and intentionally requests, obtains, or seeks to obtain criminal history
 559 record information under false pretenses, or who willfully and intentionally disseminates or seeks to
 560 disseminate criminal history record information except as authorized by this section and § 18.2-308.2:2,
 561 shall be guilty of a Class 2 misdemeanor.

562 J. Any person willfully and intentionally making a materially false statement on the personal
 563 descriptive information required in this section shall be guilty of a Class 5 felony. Any person who
 564 offers for transfer any firearm in violation of this section shall be guilty of a Class 1 misdemeanor. Any
 565 dealer who willfully and knowingly employs or permits a person to act as a firearm seller in violation of
 566 this section shall be guilty of a Class 1 misdemeanor.

567 K. There is no civil liability for any seller for the actions of any purchaser or subsequent transferee
 568 of a firearm lawfully transferred pursuant to this section.

569 L. The provisions of this section requiring a seller's background check shall not apply to a licensed
 570 dealer.

571 M. Any person who willfully and intentionally makes a false statement in the affidavit as set out in
 572 subdivision C 1 shall be guilty of a Class 5 felony.

573 N. For purposes of this section:

574 "Dealer" means any person, corporation or proprietorship licensed as a dealer pursuant to 18 U.S.C.
 575 § 921 et seq.

576 "Firearm" means any handgun, shotgun, or rifle that will or is designed to or may readily be
 577 converted to expel single or multiple projectiles by action of an explosion of a combustible material.

578 "Place of business" means any place or premises where a dealer may lawfully transfer firearms.

579 "Seller" means for the purpose of any single sale of a firearm any person who is a dealer or an agent
 580 of a dealer, who may lawfully transfer firearms and who actually performs the criminal background
 581 check in accordance with the provisions of § 18.2-308.2:2.

582 "Transfer" means any act performed with intent to sell, rent, barter, or trade or otherwise transfer
 583 ownership or permanent possession of a firearm at the place of business of a dealer.

584 **§ 19.2-81.6. Authority of law-enforcement officers to arrest individuals illegally present in the**
 585 **United States.**

586 All law-enforcement officers enumerated in § 19.2-81 shall have the authority to enforce immigration
 587 laws of the United States, pursuant to the provisions of this section. Any law-enforcement officer
 588 enumerated in § 19.2-81 may, in the course of acting upon reasonable suspicion that an individual has
 589 committed or is committing a crime, arrest the individual without a warrant upon receiving confirmation
 590 from the Bureau of Immigration and Customs Enforcement of the United States Department of
 591 Homeland Security that the individual (i) is ~~an alien~~ illegally present in the United States, and (ii) has
 592 previously been convicted of a felony in the United States and deported or left the United States after
 593 such conviction. Upon receiving such confirmation, the officer shall take the individual forthwith before
 594 a magistrate or other issuing authority and proceed pursuant to § 19.2-82.

595 **§ 19.2-294.2. Procedure when noncitizens convicted of certain felonies; duties of probation and**
 596 **parole officer.**

597 A. Whenever a person is (i) convicted in a circuit court of any felony and (ii) referred to a probation
 598 or parole officer for a report pursuant to § 19.2-299, or for probation supervision, the probation or parole
 599 officer shall inquire as to the citizenship of such person. If upon inquiry it is determined that the person
 600 may *not* be ~~an alien~~ a citizen or national of the United States based upon his failure to produce
 601 evidence of United States citizenship or status as a United States national, the probation or parole
 602 officer shall report this determination to the Central Criminal Records Exchange of the Department of
 603 State Police in a format approved by the Exchange.

604 B. The inquiry required by this section need not be made if it is apparent that a report on ~~alien~~
 605 citizenship status has previously been made to the Central Criminal Records Exchange pursuant to this

606 section.

607 C. It shall be the responsibility of the Central Criminal Records Exchange of the Department of State
608 Police to review arrest reports submitted by law-enforcement agencies and reports of ~~suspected~~
609 ~~alien status citizenship status~~ inquiries made by probation or parole officers, and to report within sixty
610 60 days of final disposition to the Law Enforcement Support Center of the United States Immigration
611 and Customs Enforcement the identity of all convicted offenders ~~suspected of being an alien~~ *believed to*
612 *not be citizens or nationals of the United States.*

613 **§ 22.1-287. Limitations on access to records.**

614 A. No teacher, principal or employee of any public school nor any school board member shall permit
615 access to any records concerning any particular pupil enrolled in the school in any class to any person
616 except under judicial process unless the person is one of the following:

617 1. Either parent of such pupil or such pupil; provided that a school board may require that such
618 pupil, if he be less than 18 years of age, as a condition precedent to access to such records, furnish
619 written consent of his or her parent for such access;

620 2. A person designated in writing by such pupil if the pupil is 18 years of age or older or by either
621 parent of such pupil if the pupil is less than 18 years of age;

622 3. The principal, or someone designated by him, of a school where the pupil attends, has attended, or
623 intends to enroll;

624 4. The current teachers of such pupil;

625 5. State or local law-enforcement or correctional personnel, including a law-enforcement officer,
626 probation officer, parole officer or administrator, or a member of a parole board, seeking information in
627 the course of his duties;

628 6. The Superintendent of Public Instruction, a member of his staff, the division superintendent of
629 schools where the pupil attends, has attended, or intends to enroll or a member of his staff;

630 7. An officer or employee of a county or city agency responsible for protective services to children,
631 as to a pupil referred to that agency as a minor requiring investigation or supervision by that agency.

632 B. A parent or pupil entitled to see the records pursuant to subdivision A 1 shall have access to all
633 records relating to such pupil maintained by the school except as otherwise provided by law and need
634 only appear in person during regular hours of the school day and request to see such records. No
635 material concerning such pupil shall be edited or withheld except as otherwise provided by law, and the
636 parent or pupil shall be entitled to read such material personally.

637 C. The giving of information by school personnel concerning participation in athletics and other
638 school activities, the winning of scholastic or other honors and awards, and other like information shall
639 be governed by the provisions of § 22.1-287.1.

640 D. Notwithstanding the restrictions imposed by this section:

641 1. A division superintendent of schools may, in his discretion, provide information to the staff of an
642 institution of higher education or educational research and development organization or laboratory if
643 such information is necessary to a research project or study conducted, sponsored, or approved by the
644 institution of higher education or educational research and development organization or laboratory and if
645 no pupil will be identified by name in the information provided for research;

646 2. The name and address of a pupil, the record of a pupil's daily attendance, a pupil's scholastic
647 record in the form of grades received in school subjects, the names of a pupil's parents, a pupil's date
648 and place of birth, and the names and addresses of other schools a pupil has attended may be released
649 to an officer or employee of the United States government seeking this information in the course of his
650 duties when the pupil is a veteran of military service with the United States, an orphan or dependent of
651 such veteran, or an ~~alien~~ *individual who is not a citizen or national of the United States;*

652 3. The record of a pupil's daily attendance shall be open for inspection and reproduction to an
653 employee of a local department of social services who needs the record to determine the eligibility of
654 the pupil's family for public assistance and social services;

655 4. The principal or his designee may disclose identifying information from a pupil's scholastic record
656 for the purpose of furthering the ability of the juvenile justice system to effectively serve the pupil prior
657 to adjudication. In addition to those agencies or personnel identified in subdivisions A 5 and 7, the
658 principal or his designee may disclose identifying information from a pupil's scholastic record to
659 attorneys for the Commonwealth, court services units, juvenile detention centers or group homes, mental
660 and medical health agencies, state and local children and family service agencies, and the Department of
661 Juvenile Justice and to the staff of such agencies. Prior to disclosure of any such scholastic records, the
662 persons to whom the records are to be disclosed shall certify in writing to the principal or his designee
663 that the information will not be disclosed to any other party, except as provided under state law, without
664 the prior written consent of the parent of the pupil or by such pupil if the pupil is 18 years of age or
665 older.

666 **§ 23.1-503. Determination of domicile; rules; presumptions.**

667 A. Students shall not ordinarily establish domicile by the performance of acts that are auxiliary to
 668 fulfilling educational objectives or are required or routinely performed by temporary residents of the
 669 Commonwealth. Students shall not establish domicile by mere physical presence or residence primarily
 670 for educational purposes.

671 B. A married individual may establish domicile in the same manner as an unmarried individual.

672 C. A nonmilitary student whose parent or spouse is a member of the Armed Forces of the United
 673 States may establish domicile in the same manner as any other student.

674 D. Any ~~alien~~ *noncitizen* holding an immigration visa or classified as a political refugee may establish
 675 domicile in the same manner as any other student. However, absent congressional intent to the contrary,
 676 any individual holding a student visa or another temporary visa does not have the capacity to intend to
 677 remain in the Commonwealth indefinitely and is therefore ineligible to establish domicile and receive
 678 in-state tuition charges.

679 E. The domicile of a dependent student shall be rebuttably presumed to be the domicile of the parent
 680 or legal guardian (i) claiming him as an exemption on federal or state income tax returns currently and
 681 for the tax year prior to the date of the alleged entitlement or (ii) providing him with substantial
 682 financial support. The spouse of an active duty military service member, if such spouse has established
 683 domicile and claimed the dependent student on federal or state income tax returns, is not subject to
 684 minimum income tests or requirements.

685 F. The domicile of an unemancipated minor or a dependent student 18 years old or older may be the
 686 domicile of either the parent with whom he resides, the parent who claims the student as a dependent
 687 for federal or Virginia income tax purposes for the tax year prior to the date of the alleged entitlement
 688 and is currently so claiming the student, or the parent who provides the student with substantial financial
 689 support. If there is no surviving parent or the whereabouts of the parents are unknown, then the
 690 domicile of an unemancipated minor shall be the domicile of the legal guardian of such unemancipated
 691 minor unless circumstances indicate that such guardianship was created primarily for the purpose of
 692 establishing domicile.

693 G. Continuously enrolled non-Virginia students shall be presumed to be in the Commonwealth for
 694 educational purposes unless they rebut such presumption with clear and convincing evidence of
 695 domicile.

696 H. A non-Virginia student is not eligible for reclassification as a Virginia student unless he applies
 697 for and is approved for such reclassification. Any such reclassification shall only be granted
 698 prospectively from the date such application is received.

699 I. A student who knowingly provides erroneous information in an attempt to evade payment of
 700 out-of-state tuition charges shall be charged out-of-state tuition for each term, semester, or quarter
 701 attended and may be subject to dismissal from the institution. All disputes relating to the veracity of
 702 information provided to establish domicile in the Commonwealth are appealable as set forth in
 703 § 23.1-510.

704 J. No student shall be deemed ineligible to establish domicile and receive in-state tuition charges
 705 solely on the basis of the immigration status of his parent.

706 **§ 32.1-343. Definitions.**

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

708 "Board" means the Board of Medical Assistance Services.

709 "Director" means the Director of the Department of Medical Assistance Services.

710 "Indigent person" means a person who is a bona fide resident of the county or city, whether gainfully
 711 employed or not and who, either by himself or by those upon whom he is dependent, is unable to pay
 712 for required hospitalization or treatment. Residence shall not be established for the purpose of obtaining
 713 the benefits of this chapter. Migrant workers and ~~aliens~~ *persons* living in the United States illegally shall
 714 not be considered bona fide residents of the county or city for purposes of the State/Local
 715 Hospitalization Program.

716 **§ 38.2-6500. Definitions.**

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

718 "American Health Benefit Exchange" means the program established as a component of the Exchange
 719 pursuant to this chapter that is designed to facilitate the purchase of qualified health plans or qualified
 720 dental plans by qualified individuals.

721 "Bureau" means the Bureau of Insurance, a division within the Commission through which it
 722 administers insurance law.

723 "Certified application counselor" means individuals certified by the Exchange to perform the duties
 724 described in 45 C.F.R. § 155.255(c).

725 "Commission" means the State Corporation Commission.

726 "Committee" means the Advisory Committee established pursuant to § 38.2-6503.

727 "Director" means the Director of the Division appointed by the Commission pursuant to § 38.2-6502.

728 "Division" means the Health Benefit Exchange Division, a division within the Commission through
729 which it administers the Exchange.

730 "Eligible employee" means an individual employed by a qualified employer who has been offered
731 health insurance coverage by such qualified employer through the SHOP exchange.

732 "Eligible entity" means the Bureau, the Department of Medical Assistance Services, or a qualified
733 vendor that has demonstrated experience on a statewide or regional basis in individual and small group
734 health insurance markets and in benefits coverage; however, a health carrier or an affiliate of a health
735 carrier is not an eligible entity.

736 "Essential health benefits package" means the scope of covered benefits and associated limits of a
737 health benefit plan that (i) provides benefits pursuant to § 38.2-3451; (ii) provides the benefits in the
738 manner described in 45 C.F.R. § 156.115; (iii) limits cost-sharing for such coverage as described in 45
739 C.F.R. § 156.130; and (iv) subject to offering catastrophic plans as described in § 1302(e) of the Federal
740 Act, provides distinct levels of coverage as described in 45 C.F.R. § 156.140.

741 "Exchange" means, as the context requires, either (i) the Division or (ii) the Virginia Health Benefit
742 Exchange established pursuant to the provisions of this chapter and in accordance with § 1311(b) of the
743 Federal Act, through which qualified health plans and qualified dental plans are made available to
744 qualified individuals through the American Health Benefit Exchange and to qualified employers through
745 the SHOP exchange. "Exchange," when referring to the Virginia Health Benefit Exchange, collectively
746 refers to both the American Health Benefit Exchange and the SHOP exchange.

747 "FAMIS" means the Family Access to Medical Insurance Security Plan, including the FAMIS Plus
748 program, established pursuant to Chapter 13 (§ 32.1-351 et seq.) of Title 32.1.

749 "Federal Act" means the federal Patient Protection and Affordable Care Act, P.L. 111-148, as
750 amended by the Health Care and Education Reconciliation Act of 2010, P.L. 111-152, and as it may
751 further be amended, and regulations issued thereunder.

752 "Health benefit plan" or "plan" means a policy, contract, certificate, or agreement offered or issued
753 by a health carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care
754 services. The term does not include coverage only for accident or disability income insurance, or any
755 combination thereof; coverage issued as a supplement to liability insurance; liability insurance, including
756 general liability insurance and automobile liability insurance; workers' compensation or similar
757 insurance; automobile medical payment insurance; credit-only insurance; coverage for onsite medical
758 clinics; or other similar insurance coverage, specified in federal regulations issued pursuant to the
759 Federal Act, under which benefits for medical care are secondary or incidental to other insurance
760 benefits. The term does not include the following benefits if they are provided under a separate policy,
761 certificate, or contract of insurance or are otherwise not an integral part of the plan: limited scope dental
762 or vision benefits; benefits for long-term care, nursing home care, home health care, community-based
763 care, or any combination thereof; or other similar limited benefits specified in federal regulations issued
764 pursuant to the Federal Act. The term does not include the following benefits if the benefits are
765 provided under a separate policy, certificate, or contract of insurance; there is no coordination between
766 the provision of the benefits and any exclusion of benefits under any group health plan maintained by
767 the same plan sponsor; and the benefits are paid with respect to an event without regard to whether
768 benefits are provided with respect to such an event under any group health plan maintained by the same
769 plan sponsor: coverage only for a specified disease or illness, for hospital indemnity, or other fixed
770 indemnity insurance. The term does not include the following if offered as a separate policy, certificate,
771 or contract of insurance: Medicare supplemental health insurance as defined under § 1882(g)(1) of the
772 U.S. Social Security Act; coverage supplemental to the coverage provided under 10 U.S.C. § 1071 et
773 seq. (TRICARE); or similar supplemental coverage provided under a group health plan.

774 "Health carrier" or "carrier" means an entity subject to the insurance laws and regulations of the
775 Commonwealth and subject to the jurisdiction of the Commission that contracts or offers to contract to
776 provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including an
777 insurer licensed to sell accident and sickness insurance, a health maintenance organization, a health
778 services plan, a dental plan organization, a dental services plan, or any other entity providing a plan of
779 health insurance, health benefits, or health care services.

780 "Insurance agent" has the same meaning as provided in § 38.2-1800.

781 "Minimum essential coverage" means coverage defined in 45 C.F.R. § 156.600.

782 "Navigator" means an individual or entity that is registered pursuant to § 38.2-3457.

783 "PHSA" means the federal Public Health Service Act, Chapter 6A of Title 42 of the United States
784 Code, as amended.

785 "Qualified dental plan" means a limited scope dental plan that has been certified in accordance with
786 § 38.2-6506.

787 "Qualified employer" means a small employer that elects to make all of its full-time employees
788 eligible for one or more qualified health plans or qualified dental plans in the small group market

789 offered through the SHOP exchange and, at the employer's option, some or all of its part-time
790 employees, provided that the employer (i) has its principal place of business in the Commonwealth and
791 elects to provide coverage through the SHOP exchange to all of its eligible employees, wherever
792 employed, or (ii) elects to provide coverage through the SHOP exchange to all of its eligible employees
793 who are principally employed in the Commonwealth.

794 "Qualified health plan" means a health benefit plan that has in effect a certification that the plan
795 meets the criteria for certification described in § 1311(c) of the Federal Act and § 38.2-6506.

796 "Qualified individual" means an individual, including a minor, who (i) is seeking to enroll in a
797 qualified health plan or qualified dental plan offered to individuals through the Exchange; (ii) resides in
798 the Commonwealth; (iii) is not incarcerated at the time of enrollment, other than incarceration pending
799 the disposition of charges; and (iv) is, and is reasonably expected to be, for the entire period for which
800 enrollment is sought, a citizen or a national of the United States or an ~~alien~~ *individual who is otherwise*
801 lawfully present in the United States.

802 "Secretary" means the Secretary of the U.S. Department of Health and Human Services.

803 "SHOP exchange" means the Small Business Health Options Program, established as a component of
804 the Exchange pursuant to this chapter, through which a qualified employer can provide its eligible
805 employees and their dependents with access to one or more qualified health plans or qualified dental
806 plans.

807 "Small employer" means an employer that employed an average of not more than 50 employees
808 during the preceding calendar year. For the purposes of this definition: (a) all persons treated as a single
809 employer under subsection (b), (c), (m), or (o) of 26 U.S.C. § 414 shall be treated as a single employer;
810 (b) an employer and any predecessor employer shall be treated as a single employer; and (c) all
811 employees shall be counted, including part-time employees and employees who are not eligible for
812 health insurance coverage through the employer. If an employer was not in existence throughout the
813 preceding calendar year, the determination of whether the employer is a small employer shall be based
814 on the average number of employees reasonably expected to be employed by the employer on business
815 days in the current calendar year. An employer that makes enrollment in qualified health plans or
816 qualified dental plans available to its eligible employees through the SHOP exchange and that no longer
817 meets the definition of a small employer because of an increase in the number of its employees shall
818 continue to be treated as a small employer for purposes of this chapter as long as that employer
819 continuously makes enrollment through the SHOP exchange available to its eligible employees.

820 "Small group market" means the health insurance market under which individuals obtain health
821 insurance coverage, directly or through any arrangement, on behalf of themselves and their dependents
822 through a group health plan maintained by a small employer.

823 "State-mandated health benefit" means coverage required under this title or other laws of the
824 Commonwealth to be provided in a policy of accident and sickness insurance, an accident and sickness
825 subscription contract, or a health maintenance organization health care plan that includes coverage for
826 specific health care services or benefits.

827 "State Medicaid Program" means the Commonwealth's Medicaid program under Title XIX of the
828 Social Security Act, as amended from time to time.

829 **§ 40.1-11.1. Employment of persons not eligible for employment in the United States.**

830 It shall be unlawful and constitute a Class 1 misdemeanor for any employer or any person acting as
831 an agent for an employer, or any person who, for a fee, refers ~~an alien~~ *any individual who is not a*
832 *citizen or national of the United States* and who cannot provide documents indicating that he or she is
833 legally eligible for employment in the United States for employment to an employer, or an officer,
834 agent, or representative of a labor organization to knowingly employ, continue to employ, or refer for
835 employment any ~~alien~~ *individual who is not a citizen or national of the United States* and who cannot
836 provide documents indicating that he or she is legally eligible for employment in the United States.

837 Permits issued by the United States Department of Justice authorizing an ~~alien~~ *individual who is not*
838 *a citizen or national of the United States* to work in the United States shall constitute proof of eligibility
839 for employment.

840 All employment application forms used by State and local governments and privately owned
841 businesses operating in the Commonwealth on and after January 1, 1978, shall ask prospective
842 employees if they are legally eligible for employment in the United States.

843 The provisions of this section shall not be deemed to require any employer to use employment
844 application forms.

845 **§ 46.2-328.1. Licenses, permits, and special identification cards to be issued only to United** 846 **States citizens, legal permanent residents, or holders of valid unexpired nonimmigrant visas;** 847 **exceptions; renewal, duplication, or reissuance.**

848 A. Notwithstanding any other provision of this title, except as provided in subsection G of
849 § 46.2-345, the Department shall not issue an original license, permit, or special identification card to

850 any applicant who has not presented to the Department, with the application, valid documentary
 851 evidence that the applicant is either (i) a citizen of the United States, (ii) a legal permanent resident of
 852 the United States, (iii) a *person with conditional resident alien of status in* the United States, (iv) an
 853 approved applicant for asylum in the United States, (v) an entrant into the United States in refugee
 854 status, or (vi) a citizen of the Federated States of Micronesia, the Republic of Palau, or the Republic of
 855 the Marshall Islands, collectively known as the Freely Associated States.

856 B. Notwithstanding the provisions of subsection A and the provisions of §§ 46.2-330 and 46.2-345,
 857 an applicant who presents in person valid documentary evidence that a federal court or federal agency
 858 having jurisdiction over immigration has authorized the applicant to be in the United States or an
 859 applicant for a REAL ID credential who provides evidence of temporary lawful status in the United
 860 States as required pursuant to the REAL ID Act of 2005, as amended, and its implementing regulations
 861 may be issued a limited-duration license, permit, or special identification card. Such limited-duration
 862 license, permit, or special identification card shall be valid only during the period of time of the
 863 applicant's authorized stay in the United States or if there is no definite end to the period of authorized
 864 stay a period of one year. No license, permit, or special identification card shall be issued if an
 865 applicant's authorized stay in the United States is less than 30 days from the date of application. Any
 866 limited-duration license, permit, or special identification card issued pursuant to this subsection shall
 867 clearly indicate that it is valid for a limited period and shall state the date that it expires. Such a
 868 limited-duration license, permit, or special identification card may be renewed only upon presentation of
 869 valid documentary evidence that the status by which the applicant qualified for the limited-duration
 870 license, permit, or special identification has been extended by a federal court or federal agency having
 871 jurisdiction over immigration.

872 C. Any license, permit, or special identification card for which an application has been made for
 873 renewal, duplication, or reissuance shall be presumed to have been issued in accordance with the
 874 provisions of subsection A, provided that, at the time the application is made, (i) the license, permit, or
 875 special identification card has not expired or been cancelled, suspended, or revoked or (ii) the license,
 876 permit, or special identification card has been canceled or suspended as a result of the applicant having
 877 been placed under medical review by the Department pursuant to § 46.2-322. The requirements of
 878 subsection A shall apply, however, to a renewal, duplication, or reissuance if the Department is notified
 879 by a local, state, or federal government agency that the individual seeking such renewal, duplication, or
 880 reissuance is neither a citizen of the United States nor legally in the United States.

881 D. The Department shall cancel any license, permit, or special identification card that it has issued to
 882 an individual if it is notified by a federal government agency that the individual is neither a citizen of
 883 the United States nor legally present in the United States.

884 E. For any applicant who presents a document pursuant to this section proving legal presence other
 885 than citizenship, the Department shall record and provide to the State Board of Elections monthly the
 886 applicant's document number, if any, issued by an agency or court of the United States government.

887 **§ 46.2-341.12. (Contingent expiration date) Application for commercial driver's license or**
 888 **commercial learner's permit.**

889 A. Every application to the Department for a commercial driver's license or commercial learner's
 890 permit shall be made upon a form approved and furnished by the Department, and the applicant shall
 891 write his usual signature in ink in the space provided. The applicant shall provide the following
 892 information:

- 893 1. Full legal name;
- 894 2. Current mailing and residential addresses;
- 895 3. Physical description including sex, height, weight, and eye and hair color;
- 896 4. Year, month, and date of birth;
- 897 5. Social security number;
- 898 6. Domicile or, if not domiciled in the Commonwealth, proof of status as a member of the active
 899 duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard
 900 Auxiliary pursuant to 49 U.S.C. § 31311(a)(12); and
- 901 7. Any other information required on the application form.

902 Applicants shall be permitted to choose between "male," "female," or "non-binary" when designating
 903 the applicant's sex on the commercial driver's license or commercial learner's permit application form.

904 The applicant's social security number shall be provided to the Commercial Driver's License
 905 Information System as required by 49 C.F.R. § 383.153.

906 B. Every applicant for a commercial driver's license or commercial learner's permit shall also submit
 907 to the Department the following:

- 908 1. A consent to release driving record information;
- 909 2. Certifications that:
 - 910 a. He either meets the federal qualification requirements of 49 C.F.R. Parts 383 and 391, or he is

911 exempt from or is not subject to such federal requirements;

912 b. He either meets the state qualification requirements established pursuant to § 52-8.4, or he is
913 exempt from or is not subject to such requirements;

914 c. The motor vehicle in which the applicant takes the skills test is representative of the class and, if
915 applicable, the type of motor vehicle for which the applicant seeks to be licensed;

916 d. He is not subject to any disqualification, suspension, revocation or cancellation of his driving
917 privileges;

918 e. He does not have more than one driver's license;

919 3. Other certifications required by the Department;

920 4. Any evidence required by the Department to establish proof of identity, citizenship or lawful
921 permanent residency, domicile, and social security number notwithstanding the provisions of
922 § 46.2-328.1 and pursuant to 49 C.F.R. Part 383;

923 5. A statement indicating whether (i) the applicant has previously been licensed to drive any type of
924 motor vehicle during the previous 10 years and, if so, all states that licensed the applicant and the dates
925 he was licensed, and (ii) whether or not he has ever been disqualified, or his license suspended, revoked
926 or canceled and, if so, the date of and reason therefor; and

927 6. An unexpired employment authorization document (EAD) issued by the U.S. Citizenship and
928 Immigration Services (USCIS) or an unexpired foreign passport accompanied by an approved Form I-94
929 documenting the applicant's most recent admittance into the United States for persons applying for a
930 nondomiciled commercial driver's license or nondomiciled commercial learner's permit.

931 C. Every application for a commercial driver's license shall include a photograph of the applicant
932 supplied under arrangements made therefor by the Department in accordance with § 46.2-323.

933 D. The Department shall disqualify any commercial driver for a period of one year when the records
934 of the Department clearly show to the satisfaction of the Commissioner that such person has made a
935 material false statement on any application or certification made for a commercial driver's license or
936 commercial learner's permit. The Department shall take such action within 30 days after discovering
937 such falsification.

938 E. (Contingent expiration date) The Department shall review the driving record of any person who
939 applies for a Virginia commercial driver's license or commercial learner's permit, for the renewal or
940 reinstatement of such license or permit or for an additional commercial classification or endorsement,
941 including the driving record from all jurisdictions where, during the previous 10 years, the applicant was
942 licensed to drive any type of motor vehicle. Such review shall include checking the photograph on
943 record whenever the applicant or holder appears in person to renew, upgrade, transfer, reinstate, or
944 obtain a duplicate commercial driver's license or to renew, upgrade, reinstate, or obtain a duplicate
945 commercial learner's permit. If appropriate, the Department shall incorporate information from such other
946 jurisdictions' records into the applicant's Virginia driving record, and shall make a notation on the
947 applicant's driving record confirming that such review has been completed and the date it was
948 completed. The Department's review shall include research through the Commercial Driver License
949 Information System established pursuant to the Commercial Motor Vehicle Safety Act and the National
950 Driver Register Problem Driver Pointer System in addition to the driver record maintained by the
951 applicant's previous jurisdictions of licensure. This research shall be completed prior to the issuance,
952 renewal, transfer, or reinstatement of a commercial driver's license or additional commercial
953 classification or endorsement.

954 The Department shall verify the name, date of birth, and social security number provided by the
955 applicant with the information on file with the Social Security Administration for initial issuance of a
956 commercial learner's permit or transfer of a commercial driver's license from another state. The
957 Department shall make a notation in the driver's record confirming that the necessary verification has
958 been completed and noting the date it was done. The Department shall also make a notation confirming
959 that proof of citizenship or lawful permanent residency has been presented and the date it was done.

960 E. (Contingent effective date) The Department shall review the driving record of any person who
961 applies for a Virginia commercial driver's license or commercial learner's permit, for the renewal or
962 reinstatement of such license or permit or for an additional commercial classification or endorsement,
963 including the driving record from all jurisdictions where, during the previous 10 years, the applicant was
964 licensed to drive any type of motor vehicle. Such review shall include checking the photograph on
965 record whenever the applicant or holder appears in person to renew, upgrade, transfer, reinstate, or
966 obtain a duplicate commercial driver's license or to renew, upgrade, reinstate, or obtain a duplicate
967 commercial learner's permit. If appropriate, the Department shall incorporate information from such other
968 jurisdictions' records into the applicant's Virginia driving record, and shall make a notation on the
969 applicant's driving record confirming that such review has been completed and the date it was
970 completed. The Department's review shall include (i) research through the Commercial Driver License
971 Information System established pursuant to the Commercial Motor Vehicle Safety Act and the National

972 Driver Register Problem Driver Pointer System in addition to the driver record maintained by the
 973 applicant's previous jurisdictions of licensure and (ii) requesting information from the Drug and Alcohol
 974 Clearinghouse in accordance with 49 C.F.R. § 382.725. This research shall be completed prior to the
 975 issuance, renewal, transfer, or reinstatement of a commercial driver's license or additional commercial
 976 classification or endorsement.

977 The Department shall verify the name, date of birth, and social security number provided by the
 978 applicant with the information on file with the Social Security Administration for initial issuance of a
 979 commercial learner's permit or transfer of a commercial driver's license from another state. The
 980 Department shall make a notation in the driver's record confirming that the necessary verification has
 981 been completed and noting the date it was done. The Department shall also make a notation confirming
 982 that proof of citizenship or lawful permanent residency has been presented and the date it was done.

983 F. Every new applicant for a commercial driver's license or commercial learner's permit, including
 984 any person applying for a commercial driver's license or permit after revocation of his driving privileges,
 985 who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate
 986 commerce shall provide the Department with an original or certified copy of a medical examiner's
 987 certificate prepared by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an
 988 appropriate medical examiner's certificate, the Department shall post a certification status of "certified"
 989 on the record of the driver on the Commercial Driver's License Information System. Any new applicant
 990 for a commercial driver's license or commercial learner's permit who fails to comply with the
 991 requirements of this subsection shall be denied the issuance of a commercial driver's license or
 992 commercial learner's permit by the Department.

993 G. Every existing holder of a commercial driver's license or commercial learner's permit who certifies
 994 that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall
 995 provide the Department with an original or certified copy of a medical examiner's certificate prepared by
 996 a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's
 997 certificate, the Department shall post a certification status of "certified" and any other necessary
 998 information on the record of the driver on the Commercial Driver's License Information System. If an
 999 existing holder of a commercial driver's license fails to provide the Department with a medical
 1000 certificate as required by this subsection, the Department shall post a certification status of "noncertified"
 1001 on the record of the driver on the Commercial Driver's License Information System and initiate a
 1002 downgrade of his commercial driver's license as defined in 49 C.F.R. § 383.5.

1003 H. Any person who provides a medical certificate to the Department pursuant to the requirements of
 1004 subsections F and G shall keep the medical certificate information current and shall notify the
 1005 Department of any change in the status of the medical certificate. If the Department determines that the
 1006 medical certificate is no longer valid, the Department shall initiate a downgrade of the driver's
 1007 commercial driver's license as defined in 49 C.F.R. § 383.5.

1008 I. If the Department receives notice that the holder of a commercial driver's license has been issued a
 1009 medical variance as defined in 49 C.F.R. § 390.5, the Department shall indicate the existence of such
 1010 medical variance on the commercial driver's license document of the driver and on the record of the
 1011 driver on the Commercial Driver's License Information System using the restriction code "V."

1012 J. Any holder of a commercial driver's license who has been issued a medical variance shall keep the
 1013 medical variance information current and shall notify the Department of any change in the status of the
 1014 medical variance. If the Department determines that the medical variance is no longer valid, the
 1015 Department shall initiate a downgrade of the driver's commercial driver's license as defined in 49 C.F.R.
 1016 § 383.5.

1017 K. Any applicant applying for a hazardous materials endorsement must comply with Transportation
 1018 Security Administration requirements in 49 C.F.R. Part 1572. A lawful permanent resident of the United
 1019 States requesting a hazardous materials endorsement must additionally provide his *registration number*
 1020 *assigned by U.S. Citizenship and Immigration Services (USCIS) alien registration number.*

1021 L. Notwithstanding the provisions of § 46.2-208, the Department may release to the FMCSA medical
 1022 information relating to the issuance of a commercial driver's license or a commercial learner's permit
 1023 collected by the Department pursuant to the provisions of subsections F, G, H, I, and J.

1024 **§ 46.2-341.12. (Contingent effective date) Application for commercial driver's license or**
 1025 **commercial learner's permit.**

1026 A. No entry-level driver shall be eligible to (i) apply for a Virginia Class A or Class B commercial
 1027 driver's license for the first time, (ii) upgrade to a Class A or Class B commercial driver's license for the
 1028 first time, or (iii) apply for a hazardous materials, passenger, or school bus endorsement for the first
 1029 time, unless he has completed an entry-level driver training course related to the license, classification,
 1030 or endorsement he is applying for and the training is provided by a training provider. An individual is
 1031 not required to complete an entry-level driver training course related to the license, classification, or
 1032 endorsement he is applying for if he is exempted from such requirements under 49 C.F.R. § 380.603.

1033 B. Every application to the Department for a commercial driver's license or commercial learner's
 1034 permit shall be made upon a form approved and furnished by the Department, and the applicant shall
 1035 write his usual signature in ink in the space provided. The applicant shall provide the following
 1036 information:

- 1037 1. Full legal name;
- 1038 2. Current mailing and residential addresses;
- 1039 3. Physical description including sex, height, weight, and eye and hair color;
- 1040 4. Year, month, and date of birth;
- 1041 5. Social security number;

1042 6. Domicile or, if not domiciled in the Commonwealth, proof of status as a member of the active
 1043 duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard
 1044 Auxiliary pursuant to 49 U.S.C. § 31311(a)(12); and

1045 7. Any other information required on the application form.

1046 Applicants shall be permitted to choose between "male," "female," or "non-binary" when designating
 1047 the applicant's sex on the commercial driver's license or commercial learner's permit application form.

1048 The applicant's social security number shall be provided to the Commercial Driver's License
 1049 Information System as required by 49 C.F.R. § 383.153.

1050 C. Every applicant for a commercial driver's license or commercial learner's permit shall also submit
 1051 to the Department the following:

- 1052 1. A consent to release driving record information;
- 1053 2. Certifications that:
 - 1054 a. He either meets the federal qualification requirements of 49 C.F.R. Parts 383 and 391, or he is
 1055 exempt from or is not subject to such federal requirements;
 - 1056 b. He either meets the state qualification requirements established pursuant to § 52-8.4, or he is
 1057 exempt from or is not subject to such requirements;
 - 1058 c. The motor vehicle in which the applicant takes the skills test is representative of the class and, if
 1059 applicable, the type of motor vehicle for which the applicant seeks to be licensed;
 - 1060 d. He is not subject to any disqualification, suspension, revocation or cancellation of his driving
 1061 privileges;

1062 e. He does not have more than one driver's license;

1063 3. Other certifications required by the Department;

1064 4. Any evidence required by the Department to establish proof of identity, citizenship or lawful
 1065 permanent residency, domicile, and social security number notwithstanding the provisions of
 1066 § 46.2-328.1 and pursuant to 49 C.F.R. Part 383;

1067 5. A statement indicating whether (i) the applicant has previously been licensed to drive any type of
 1068 motor vehicle during the previous 10 years and, if so, all states that licensed the applicant and the dates
 1069 he was licensed, and (ii) whether or not he has ever been disqualified, or his license suspended, revoked
 1070 or canceled and, if so, the date of and reason therefor; and

1071 6. An unexpired employment authorization document (EAD) issued by the U.S. Citizenship and
 1072 Immigration Services (USCIS) or an unexpired foreign passport accompanied by an approved Form I-94
 1073 documenting the applicant's most recent admittance into the United States for persons applying for a
 1074 nondomiciled commercial driver's license or nondomiciled commercial learner's permit.

1075 D. Every application for a commercial driver's license shall include a photograph of the applicant
 1076 supplied under arrangements made therefor by the Department in accordance with § 46.2-323.

1077 E. The Department shall disqualify any commercial driver for a period of one year when the records
 1078 of the Department clearly show to the satisfaction of the Commissioner that such person has made a
 1079 material false statement on any application or certification made for a commercial driver's license or
 1080 commercial learner's permit. The Department shall take such action within 30 days after discovering
 1081 such falsification.

1082 F. (Contingent expiration date) The Department shall review the driving record of any person who
 1083 applies for a Virginia commercial driver's license or commercial learner's permit, for the renewal or
 1084 reinstatement of such license or permit or for an additional commercial classification or endorsement,
 1085 including the driving record from all jurisdictions where, during the previous 10 years, the applicant was
 1086 licensed to drive any type of motor vehicle. Such review shall include checking the photograph on
 1087 record whenever the applicant or holder appears in person to renew, upgrade, transfer, reinstate, or
 1088 obtain a duplicate commercial driver's license or to renew, upgrade, reinstate, or obtain a duplicate
 1089 commercial learner's permit. If appropriate, the Department shall incorporate information from such other
 1090 jurisdictions' records into the applicant's Virginia driving record, and shall make a notation on the
 1091 applicant's driving record confirming that such review has been completed and the date it was
 1092 completed. The Department's review shall include research through the Commercial Driver License
 1093 Information System established pursuant to the Commercial Motor Vehicle Safety Act and the National

1094 Driver Register Problem Driver Pointer System in addition to the driver record maintained by the
 1095 applicant's previous jurisdictions of licensure. This research shall be completed prior to the issuance,
 1096 renewal, transfer, or reinstatement of a commercial driver's license or additional commercial
 1097 classification or endorsement.

1098 The Department shall verify the name, date of birth, and social security number provided by the
 1099 applicant with the information on file with the Social Security Administration for initial issuance of a
 1100 commercial learner's permit or transfer of a commercial driver's license from another state. The
 1101 Department shall make a notation in the driver's record confirming that the necessary verification has
 1102 been completed and noting the date it was done. The Department shall also make a notation confirming
 1103 that proof of citizenship or lawful permanent residency has been presented and the date it was done.

1104 F. (Contingent effective date) The Department shall review the driving record of any person who
 1105 applies for a Virginia commercial driver's license or commercial learner's permit, for the renewal or
 1106 reinstatement of such license or permit or for an additional commercial classification or endorsement,
 1107 including the driving record from all jurisdictions where, during the previous 10 years, the applicant was
 1108 licensed to drive any type of motor vehicle. Such review shall include checking the photograph on
 1109 record whenever the applicant or holder appears in person to renew, upgrade, transfer, reinstate, or
 1110 obtain a duplicate commercial driver's license or to renew, upgrade, reinstate, or obtain a duplicate
 1111 commercial learner's permit. If appropriate, the Department shall incorporate information from such other
 1112 jurisdictions' records into the applicant's Virginia driving record, and shall make a notation on the
 1113 applicant's driving record confirming that such review has been completed and the date it was
 1114 completed. The Department's review shall include (i) research through the Commercial Driver License
 1115 Information System established pursuant to the Commercial Motor Vehicle Safety Act and the National
 1116 Driver Register Problem Driver Pointer System in addition to the driver record maintained by the
 1117 applicant's previous jurisdictions of licensure and (ii) requesting information from the Drug and Alcohol
 1118 Clearinghouse in accordance with 49 C.F.R. § 382.725. This research shall be completed prior to the
 1119 issuance, renewal, transfer, or reinstatement of a commercial driver's license or additional commercial
 1120 classification or endorsement.

1121 The Department shall verify the name, date of birth, and social security number provided by the
 1122 applicant with the information on file with the Social Security Administration for initial issuance of a
 1123 commercial learner's permit or transfer of a commercial driver's license from another state. The
 1124 Department shall make a notation in the driver's record confirming that the necessary verification has
 1125 been completed and noting the date it was done. The Department shall also make a notation confirming
 1126 that proof of citizenship or lawful permanent residency has been presented and the date it was done.

1127 G. Every new applicant for a commercial driver's license or commercial learner's permit, including
 1128 any person applying for a commercial driver's license or permit after revocation of his driving privileges,
 1129 who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate
 1130 commerce shall provide the Department with an original or certified copy of a medical examiner's
 1131 certificate prepared by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an
 1132 appropriate medical examiner's certificate, the Department shall post a certification status of "certified"
 1133 on the record of the driver on the Commercial Driver's License Information System. Any new applicant
 1134 for a commercial driver's license or commercial learner's permit who fails to comply with the
 1135 requirements of this subsection shall be denied the issuance of a commercial driver's license or
 1136 commercial learner's permit by the Department.

1137 H. Every existing holder of a commercial driver's license or commercial learner's permit who certifies
 1138 that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall
 1139 provide the Department with an original or certified copy of a medical examiner's certificate prepared by
 1140 a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's
 1141 certificate, the Department shall post a certification status of "certified" and any other necessary
 1142 information on the record of the driver on the Commercial Driver's License Information System. If an
 1143 existing holder of a commercial driver's license fails to provide the Department with a medical
 1144 certificate as required by this subsection, the Department shall post a certification status of "noncertified"
 1145 on the record of the driver on the Commercial Driver's License Information System and initiate a
 1146 downgrade of his commercial driver's license as defined in 49 C.F.R. § 383.5.

1147 I. Any person who provides a medical certificate to the Department pursuant to the requirements of
 1148 subsections G and H shall keep the medical certificate information current and shall notify the
 1149 Department of any change in the status of the medical certificate. If the Department determines that the
 1150 medical certificate is no longer valid, the Department shall initiate a downgrade of the driver's
 1151 commercial driver's license as defined in 49 C.F.R. § 383.5.

1152 J. If the Department receives notice that the holder of a commercial driver's license has been issued a
 1153 medical variance as defined in 49 C.F.R. § 390.5, the Department shall indicate the existence of such
 1154 medical variance on the commercial driver's license document of the driver and on the record of the

1155 driver on the Commercial Driver's License Information System using the restriction code "V."

1156 K. Any holder of a commercial driver's license who has been issued a medical variance shall keep
1157 the medical variance information current and shall notify the Department of any change in the status of
1158 the medical variance. If the Department determines that the medical variance is no longer valid, the
1159 Department shall initiate a downgrade of the driver's commercial driver's license as defined in 49 C.F.R.
1160 § 383.5.

1161 L. Any applicant applying for a hazardous materials endorsement must comply with Transportation
1162 Security Administration requirements in 49 C.F.R. Part 1572. A lawful permanent resident of the United
1163 States requesting a hazardous materials endorsement must additionally provide his *registration number*
1164 *assigned by U.S. Citizenship and Immigration Services (USCIS) alien registration number.*

1165 M. Notwithstanding the provisions of § 46.2-208, the Department may release to the FMCSA medical
1166 information relating to the issuance of a commercial driver's license or a commercial learner's permit
1167 collected by the Department pursuant to the provisions of subsections F, G, H, I, and J.

1168 **§ 47.1-2. Definitions.**

1169 As used in this title, unless the context demands a different meaning:

1170 "Acknowledgment" means a notarial act in which an individual at a single time and place (i) appears
1171 in person before the notary and presents a document; (ii) is personally known to the notary or identified
1172 by the notary through satisfactory evidence of identity; and (iii) indicates to the notary that the signature
1173 on the document was voluntarily affixed by the individual for the purposes stated within the document
1174 and, if applicable, that the individual had due authority to sign in a particular representative capacity.

1175 "Affirmation" means a notarial act, or part thereof, that is legally equivalent to an oath and in which
1176 an individual at a single time and place (i) appears in person before the notary and presents a document;
1177 (ii) is personally known to the notary or identified by the notary through satisfactory evidence of
1178 identity; and (iii) makes a vow of truthfulness or fidelity on penalty of perjury.

1179 "Commissioned notary public" means that the applicant has completed and submitted the registration
1180 forms along with the appropriate fee to the Secretary of the Commonwealth and the Secretary of the
1181 Commonwealth has determined that the applicant meets the qualifications to be a notary public and
1182 issues a notary commission and forwards same to the clerk of the circuit court, pursuant to this chapter.

1183 "Copy certification" means a notarial act in which a notary (i) is presented with a document that is
1184 not a public record; (ii) copies or supervises the copying of the document using a photographic or
1185 electronic copying process; (iii) compares the document to the copy; and (iv) determines that the copy is
1186 accurate and complete.

1187 "Credential analysis" means a process or service that independently affirms the veracity of a
1188 government-issued identity credential by reviewing public or proprietary data sources and meets the
1189 standards of the Secretary of the Commonwealth.

1190 "Credible witness" means an honest, reliable, and impartial person who personally knows an
1191 individual appearing before a notary and takes an oath or affirmation from the notary to confirm that
1192 individual's identity.

1193 "Document" means information that is inscribed on a tangible medium or that is stored in an
1194 electronic or other medium and is retrievable in perceivable form, including a record as defined in the
1195 Uniform Electronic Transactions Act (§ 59.1-479 et seq.).

1196 "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical,
1197 electromagnetic, or similar capabilities.

1198 "Electronic document" means information that is created, generated, sent, communicated, received, or
1199 stored by electronic means.

1200 "Electronic notarial act" or "electronic notarization" means an official act by a notary under § 47.1-12
1201 or as otherwise authorized by law that involves electronic documents.

1202 "Electronic notarial certificate" means the portion of a notarized electronic document that is
1203 completed by the notary public, bears the notary public's signature, title, commission expiration date, and
1204 other required information concerning the date and place of the electronic notarization, and states the
1205 facts attested to or certified by the notary public in a particular notarization. The "electronic notarial
1206 certificate" shall indicate whether the notarization was done in person or by remote online notarization.

1207 "Electronic notary public" or "electronic notary" means a notary public who has been commissioned
1208 by the Secretary of the Commonwealth with the capability of performing electronic notarial acts under
1209 § 47.1-7.

1210 "Electronic notary seal" or "electronic seal" means information within a notarized electronic
1211 document that confirms the notary's name, jurisdiction, and commission expiration date and generally
1212 corresponds to data in notary seals used on paper documents.

1213 "Electronic signature" means an electronic sound, symbol, or process attached to or logically
1214 associated with an electronic document and executed or adopted by a person with the intent to sign the
1215 document.

- 1216 "Identity proofing" means a process or service that independently verifies an individual's identity in
1217 accordance with § 2.2-436.
- 1218 "Notarial act" or "notarization" means any official act performed by a notary under § 47.1-12 or
1219 47.1-13 or as otherwise authorized by law.
- 1220 "Notarial certificate" or "certificate" means the part of, or attachment to, a notarized document that is
1221 completed by the notary public, bears the notary public's signature, title, commission expiration date,
1222 notary registration number, and other required information concerning the date and place of the
1223 notarization and states the facts attested to or certified by the notary public in a particular notarization.
- 1224 "Notary public" or "notary" means any person commissioned to perform official acts under the title,
1225 and includes an electronic notary except where expressly provided otherwise.
- 1226 "Oath" shall include "affirmation."
- 1227 "Official misconduct" means any violation of this title by a notary, whether committed knowingly,
1228 willfully, recklessly or negligently.
- 1229 "Personal knowledge of identity" or "personally knows" means familiarity with an individual
1230 resulting from interactions with that individual over a period of time sufficient to dispel any reasonable
1231 uncertainty that the individual has the identity claimed.
- 1232 "Principal" means (i) a person whose signature is notarized or (ii) a person, other than a credible
1233 witness, taking an oath or affirmation from the notary.
- 1234 "Record of notarial acts" means a device for creating and preserving a chronological record of
1235 notarizations performed by a notary.
- 1236 "Remote online notarization" means an electronic notarization under this chapter where the signer is
1237 not in the physical presence of the notary.
- 1238 "Satisfactory evidence of identity" means identification of an individual based on (i) examination of
1239 one or more of the following unexpired documents bearing a photographic image of the individual's face
1240 and signature: a United States Passport Book, a United States Passport Card, a certificate of United
1241 States citizenship, a certificate of naturalization, a foreign passport, ~~an alien registration~~ a permanent
1242 resident card with photograph, a state issued driver's license or a state issued identification card or a
1243 United States military card or (ii) the oath or affirmation of one credible witness unaffected by the
1244 document or transaction who is personally known to the notary and who personally knows the individual
1245 or of two credible witnesses unaffected by the document or transaction who each personally knows the
1246 individual and shows to the notary documentary identification as described in clause (i). In the case of
1247 an individual who resides in an assisted living facility, as defined in § 63.2-100, or a nursing home,
1248 licensed by the State Department of Health pursuant to Article 1 (§ 32.1-123 et seq.) of Chapter 5 of
1249 Title 32.1 or exempt from licensure pursuant to § 32.1-124, an expired United States Passport Book,
1250 expired United States Passport Card, expired foreign passport, or expired state issued driver's license or
1251 state issued identification card may also be used for identification of such individual, provided that the
1252 expiration of such document occurred within five years of the date of use for identification purposes
1253 pursuant to this title. In the case of an electronic notarization, "satisfactory evidence of identity" may be
1254 based on video and audio conference technology, in accordance with the standards for electronic video
1255 and audio communications set out in subdivisions B 1, 2, and 3 of § 19.2-3.1, that permits the notary to
1256 communicate with and identify the principal at the time of the notarial act, provided that such
1257 identification is confirmed by (a) personal knowledge, (b) an oath or affirmation of a credible witness,
1258 or (c) at least two of the following: (1) credential analysis of an unexpired government-issued
1259 identification bearing a photograph of the principal's face and signature, (2) identity proofing by an
1260 antecedent in-person identity proofing process in accordance with the specifications of the Federal
1261 Bridge Certification Authority, (3) another identity proofing method authorized in guidance documents,
1262 regulations, or standards adopted pursuant to § 2.2-436, or (4) a valid digital certificate accessed by
1263 biometric data or by use of an interoperable Personal Identity Verification card that is designed, issued,
1264 and managed in accordance with the specifications published by the National Institute of Standards and
1265 Technology in Federal Information Processing Standards Publication 201-1, "Personal Identity
1266 Verification (PIV) of Federal Employees and Contractors," and supplements thereto or revisions thereof,
1267 including the specifications published by the Federal Chief Information Officers Council in "Personal
1268 Identity Verification Interoperability for Non-Federal Issuers."
- 1269 "Seal" means a device for affixing on a paper document an image containing the notary's name and
1270 other information related to the notary's commission.
- 1271 "Secretary" means the Secretary of the Commonwealth.
- 1272 "State" includes any state, territory, or possession of the United States.
- 1273 "Verification of fact" means a notarial act in which a notary reviews public or vital records to (i)
1274 ascertain or confirm facts regarding a person's identity, identifying attributes, or authorization to access a
1275 building, database, document, network, or physical site or (ii) validate an identity credential on which
1276 satisfactory evidence of identity may be based.

1277 § 50-73.52:6. Involuntary cancellation of limited partnership existence.

1278 A. The existence of a limited partnership may be canceled involuntarily by order of the Commission
1279 when it finds that the limited partnership has:

1280 1. Continued to exceed or abuse the authority conferred on it by law;

1281 2. Failed to maintain a registered office or a registered agent in the Commonwealth as required by
1282 law;

1283 3. Failed to file any document required by this chapter to be filed with the Commission; or

1284 4. Been convicted for a violation of 8 U.S.C. § ~~1324a~~ (~~†~~) *1324a(f)*, as amended, for actions of its
1285 partners constituting a pattern or practice of ~~employing unauthorized aliens~~ *unlawful employment* in the
1286 Commonwealth *as described in that section*.

1287 B. Before entering any such order, the Commission shall issue a rule against the limited partnership
1288 giving it an opportunity to be heard and show cause why such an order should not be entered. The
1289 Commission may issue the rule on its own motion or on motion of the Attorney General.

1290 C. The properties and affairs of a limited partnership whose existence has been canceled pursuant to
1291 this section shall pass automatically to its general partners as trustees in liquidation. The trustees shall
1292 then proceed to (i) collect the assets of the limited partnership; (ii) sell, convey, and dispose of such of
1293 its properties as are not to be distributed in kind to its partners; (iii) pay, satisfy, and discharge its
1294 liabilities and obligations; and (iv) do all other acts required to liquidate its business and affairs. After
1295 paying or adequately providing for the payment of all its obligations, the trustees shall distribute the
1296 remainder of its assets, either in cash or in kind, among its partners according to their respective rights
1297 and interests.

1298 D. Any limited partnership convicted of the offense listed in subdivision A 4 shall immediately
1299 report such conviction to the Commission and file with the Commission an authenticated copy of the
1300 judgment or record of conviction. A limited partnership whose existence is canceled pursuant to
1301 subdivision A 4 shall not be eligible for reinstatement for a period of not less than one year.

1302 § 50-73.58:2. Involuntary cancellation of certificate of registration.

1303 A. The certificate of registration to transact business in the Commonwealth of any foreign limited
1304 partnership may be canceled involuntarily by order of the Commission when it finds that the foreign
1305 limited partnership:

1306 1. Has continued to exceed or abuse the authority conferred on it by law;

1307 2. Has failed to maintain a registered office or a registered agent in the Commonwealth as required
1308 by law;

1309 3. Has failed to file any document required by this chapter to be filed with the Commission;

1310 4. No longer exists under the laws of the state or other jurisdiction of its formation; or

1311 5. Has been convicted for a violation of 8 U.S.C. § ~~1324a~~ (~~†~~) *1324a(f)*, as amended, for actions of its
1312 partners constituting a pattern or practice of ~~employing unauthorized aliens~~ *unlawful employment* in the
1313 Commonwealth *as described in that section*.

1314 B. Before entering any such order, the Commission shall issue a rule against the limited partnership
1315 giving it an opportunity to be heard and show cause why such an order should not be entered. The
1316 Commission may issue the rule on its own motion or on motion of the Attorney General.

1317 C. The authority of a foreign limited partnership to transact business in the Commonwealth ceases on
1318 the date shown on the order canceling its certificate of registration.

1319 D. The Commission's cancellation of a foreign limited partnership's certificate of registration appoints
1320 the clerk of the Commission the limited partnership's agent for service of process in any proceeding
1321 based on a cause of action arising during the time the limited partnership was authorized to transact
1322 business in the Commonwealth. Service of process on the clerk of the Commission under this subsection
1323 is service on the foreign limited partnership and shall be made on the clerk in accordance with
1324 § 12.1-19.1.

1325 E. Cancellation of a foreign limited partnership's certificate of registration does not terminate the
1326 authority of the registered agent of the foreign limited partnership.

1327 F. Any foreign limited partnership convicted of the offense listed in subdivision A 5 shall
1328 immediately report such conviction to the Commission and file with the Commission an authenticated
1329 copy of the judgment or record of conviction. A certificate of registration canceled pursuant to
1330 subdivision A 5 shall not be eligible for reinstatement for a period of not less than one year.

1331 CHAPTER 10.**1332 COMMITMENT OF ~~ALIENS~~ NONCITIZENS.****1333 § 53.1-218. Duty of officer in charge to inquire as to citizenship; notice to federal immigration**
1334 officer of commitment of noncitizen.

1335 Whenever any person is committed to a correctional facility for the commission of a felony, the
1336 director, sheriff or other officer in charge of such facility shall inquire as to whether the person (i) was
1337 born in a country other than the United States and (ii) is a citizen of a country other than the United

1338 States. The director, sheriff or other officer in charge of such facility shall make an immigration alien
 1339 query to the Law Enforcement Support Center of the U.S. Immigration and Customs Enforcement for
 1340 any person committed to the facility for the commission of a felony who (i) was born in a country other
 1341 than the United States and (ii) is a citizen of a country other than the United States, or for whom the
 1342 answer to clause (i) or (ii) is unknown.

1343 In the case of a jail, the sheriff, or other officer in charge of such facility shall communicate the
 1344 results of any immigration alien query that confirm that the person is illegally present in the United
 1345 States to the Local Inmate Data System of the State Compensation Board. The State Compensation
 1346 Board shall communicate, on a monthly basis, the results of any immigration alien query that results in
 1347 a confirmation that the person is illegally present in the United States to the Central Criminal Records
 1348 Exchange of the Department of State Police in a format approved by the Exchange.

1349 In the case of a correctional facility of the Department of Corrections, the director or other officer in
 1350 charge of such facility shall communicate the results of any immigration alien query that results in a
 1351 confirmation that the person is illegally present in the United States to the Central Criminal Records
 1352 Exchange of the Department of State Police in a format approved by the Exchange.

1353 The information received by the Central Criminal Records Exchange concerning the person's
 1354 immigration status shall be recorded in the person's criminal history record.

1355 However, notification shall not be made to the Central Criminal Records Exchange if it is apparent
 1356 that a report on ~~alien~~ *citizenship or immigration* status has previously been made to the Exchange
 1357 pursuant to § 19.2-83.2 or 19.2-294.2.

1358 **§ 53.1-219. Duty of clerk to furnish copy of complaint, indictment, judgment and sentence.**

1359 Upon the official request of the United States immigration officer in charge of the territory or district
 1360 in which is located any court committing any ~~alien~~ *person who is not a citizen or national of the United*
 1361 *States* to any correctional facility for the commission of a felony, it shall be the duty of the clerk of
 1362 such court to furnish without charge a certified copy, in duplicate, of the complaint, information or
 1363 indictment and the judgment and sentence and any other records pertaining to the case of the convicted
 1364 ~~alien~~ *person*.

1365 **§ 53.1-220.1. Transfer of prisoners convicted of designated illegal acts.**

1366 With the consent of the appropriate state authorities, ~~the~~ U.S. Immigration and ~~Naturalization Service~~
 1367 *Customs Enforcement* may, following notification under § 19.2-294.2, take physical custody of and
 1368 responsibility for any ~~alien~~ *person who is not a citizen or national of the United States who is convicted*
 1369 of any (i) felony offense involving murder, rape, robbery, burglary, larceny, extortion, or abduction, or
 1370 (ii) illegal drug violation designated as a felony under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of
 1371 Title 18.2. The director, sheriff, or other official in charge of the facility in which such ~~alien~~ *person* is
 1372 incarcerated may enter into an agreement, which includes provisions relating to reimbursement, with ~~the~~
 1373 *U.S. Immigration and Naturalization Service Customs Enforcement* to retain custody or supervision of
 1374 such ~~alien~~ *person* until he is deported or until other mutually satisfactory arrangements are made to
 1375 transfer custody of such ~~alien~~ *person* to ~~the Service~~ *U.S. Immigration and Customs Enforcement*.

1376 **§ 53.1-220.2. Transfer of certain incarcerated persons to Immigration and Customs**
 1377 **Enforcement.**

1378 The Director, sheriff, or other official in charge of the facility in which ~~an~~ *alien a person who is not*
 1379 *a citizen or national of the United States* is incarcerated may, upon receipt of a detainer from U.S.
 1380 Immigration and Customs Enforcement, transfer custody of ~~the~~ *alien such person* to U.S. Immigration
 1381 and Customs Enforcement no more than five days prior to the date that he would otherwise be released
 1382 from custody. Upon transfer of custody, notwithstanding any other provision of law, ~~the~~ *alien such*
 1383 *person* shall receive credit for the number of days remaining before he would otherwise have been
 1384 released.

1385 **§ 55.1-100. Noncitizens may acquire, hold, and transmit real estate; when reciprocity required.**

1386 Any ~~alien~~ *person*, not an enemy, *who is a noncitizen of the United States* may acquire by purchase
 1387 or descent and hold real estate in the Commonwealth, and such real estate shall be transmitted in the
 1388 same manner as real estate held by citizens. However, if, at the time of the transfer, a court of the
 1389 Commonwealth determines that the laws of a foreign country or sovereignty effectively deny a Virginia
 1390 resident, legatee, or distributee the benefit, use, or control of money or other property held in such
 1391 foreign country or sovereignty, a judgment or order issued in the Commonwealth concerning the rights
 1392 of a resident of that foreign country or sovereignty to the benefit, use, or control of money or property
 1393 held in the Commonwealth may direct that the money or property be paid into the court for the benefit
 1394 of the ~~alien~~ *noncitizen*. The money or property paid into court shall be paid out only upon order of the
 1395 court or pursuant to the order or judgment of a court of competent jurisdiction. Any of the money or
 1396 property remaining with the court upon expiration of three years from the decedent's death shall be paid
 1397 out by the court as if the ~~alien~~ *noncitizen* had predeceased the decedent.

1398 **§ 58.1-904. Tax upon estates of nonresident or noncitizen decedents.**

1399 A. A tax in an amount computed as provided in this section is imposed upon the transfer of real
 1400 property and tangible personal property having an actual situs in the Commonwealth of Virginia and
 1401 upon intangible personal property physically present within the Commonwealth of every person who at
 1402 the time of death was not a resident of the United States.

1403 The tax shall be an amount computed by multiplying the federal credit by a fraction, the numerator
 1404 of which is the value of that part of the gross estate over which Virginia has jurisdiction for estate tax
 1405 purposes and the denominator of which is the decedent's gross estate taxable by the United States
 1406 wherever situated.

1407 B. ~~Resident aliens~~ *Lawful permanent residents or conditional residents* of the United States, or
 1408 *persons with substantial presence in the United States*, shall be subject to the tax imposed by this
 1409 chapter under § 58.1-903 when the decedent, at the time of death, was not a resident of Virginia but was
 1410 a resident of the United States. A *lawful permanent resident alien or conditional resident of the United*
 1411 *States, or person with substantial presence in the United States*, who, at the time of death, was a
 1412 resident of Virginia and a resident of the United States shall be subject to the tax imposed by this
 1413 chapter under § 58.1-902.

1414 C. For purposes of this section, stock in a corporation organized under the laws of the
 1415 Commonwealth shall be deemed physically present within the Commonwealth.

1416 **§ 60.2-214. Agricultural employment.**

1417 A. "Employment" includes service performed by an individual in agricultural labor as defined in
 1418 § 60.2-201 when:

1419 1. Such service is performed for a person who:

1420 a. During any calendar quarter in either the current or the preceding calendar year paid wages of
 1421 \$20,000 or more to individuals employed in agricultural labor, including labor performed by ~~an alien a~~
 1422 ~~noncitizen~~ referred to in subdivision 2 of this subsection; or

1423 b. For some portion of a day in each of ~~twenty~~ 20 different calendar weeks, whether or not such
 1424 weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural
 1425 labor, including labor performed by ~~an alien a noncitizen~~ referred to in subdivision 2 of this subsection,
 1426 ~~ten~~ 10 or more individuals, regardless of whether they were employed at the same moment of time.

1427 2. Such service is not performed in agricultural labor by an individual who is ~~an alien a noncitizen~~
 1428 admitted to the United States to perform service in agricultural labor pursuant to 8 U.S.C. § 214 (c) and
 1429 8 U.S.C. § 101 (a) (15) (H) of the Immigration and Nationality Act. Services performed and wages
 1430 received by such ~~alien~~ workers after January 1, 1980, shall be counted in determining whether an
 1431 employer is subject to the Virginia unemployment tax for his other farmworkers.

1432 B. For the purposes of this section any individual who is a member of a crew furnished by a crew
 1433 leader to perform service in agricultural labor for any other person shall be treated as an employee of
 1434 such crew leader if:

1435 1. Such crew leader holds a valid certificate of registration under the Migrant and Seasonal
 1436 Agricultural Workers Protection Act of 1983 (29 U.S.C. § 1801 et seq.) or substantially all the members
 1437 of such crew operate or maintain tractors, mechanized harvesting or crop dusting equipment, or any
 1438 other mechanized equipment, which is provided by such crew leader, and

1439 2. Such individual is not an employee of such other person within the meaning of subdivision A 1 of
 1440 subsection A of § 60.2-212.

1441 C. For the purposes of this section, in the case of any individual who is furnished by a crew leader
 1442 to perform service in agricultural labor for any other person and who is not treated as an employee of
 1443 such crew leader under subsection B of this section then:

1444 1. Such other person and not the crew leader shall be treated as the employer of such individual, and

1445 2. Such other person shall be treated as having paid wages to such individual in an amount equal to
 1446 the amount of wages paid to such individual by the crew leader, either on his own behalf or on behalf
 1447 of such other person, for the service in agricultural labor performed for such other person.

1448 D. For the purposes of this section, the term "crew leader" means an individual who:

1449 1. Furnishes individuals to perform service in agricultural labor for any other person;

1450 2. Pays, either on his own behalf or on behalf of such other person, the individuals so furnished by
 1451 him for the service in agricultural labor performed by them; and

1452 3. Has not entered into a written agreement with such other person under which such individual is
 1453 designated as an employee of such other person.

1454 **§ 60.2-617. Benefits denied to certain noncitizens.**

1455 A. Benefits shall not be paid on the basis of services performed by ~~an alien a person who is not a~~
 1456 ~~citizen or national of the United States~~ unless such individual was lawfully admitted for permanent
 1457 residence at the time such services were performed, was lawfully present for purposes of performing
 1458 such services, or was permanently and lawfully residing in the United States under color of law at the
 1459 time such services were performed. The provisions of this subsection shall include ~~aliens persons~~ who

1460 were lawfully present in the United States as a result of the application of the provisions of § 1153 (a)
 1461 (7) or § 1182 (d) (5) of the Immigration and Nationality Act (8 U.S.C. § 1101 et seq.). Additionally, any
 1462 modifications to the provisions of § 3304 (a) (14) of the Federal Unemployment Tax Act (26 U.S.C.
 1463 § 3301 et seq.) which specify other conditions or other effective dates than stated herein for the denial
 1464 of benefits based on services performed by *aliens persons who are not citizens or nationals of the*
 1465 *United States* and which modifications are required to be implemented under state law as a condition for
 1466 full tax credit against the tax imposed by the Federal Unemployment Tax Act, shall be deemed
 1467 applicable under the provisions of this section.

1468 B. Any data or information required of individuals claiming benefits to determine whether benefits
 1469 are not payable to them because of their *alien citizenship* status shall be uniformly required from all
 1470 applicants for benefits.

1471 C. In the case of an individual whose claim for benefits would otherwise be approved, no
 1472 determination that benefits to such individual are not payable because of his *alien citizenship* status shall
 1473 be made except upon a preponderance of the evidence.

1474 **§ 64.2-203. Inheritance rights of certain individuals.**

1475 A. Except as otherwise provided by law, no person is barred from inheriting because such person or
 1476 a person through whom he claims his inheritance is *not* or ~~has been an alien~~ *was not a citizen or*
 1477 *national of the United States.*

1478 B. A person who is related to the decedent through two lines of relationship is entitled to only a
 1479 single share based on the relationship that would entitle him to the larger share.

1480 **§ 65.2-101. Definitions.**

1481 As used in this title:

1482 "Average weekly wage" means:

1483 1. a. The earnings of the injured employee in the employment in which he was working at the time
 1484 of the injury during the period of 52 weeks immediately preceding the date of the injury, divided by 52;
 1485 but if the injured employee lost more than seven consecutive calendar days during such period, although
 1486 not in the same week, then the earnings for the remainder of the 52 weeks shall be divided by the
 1487 number of weeks remaining after the time so lost has been deducted. When the employment prior to the
 1488 injury extended over a period of less than 52 weeks, the method of dividing the earnings during that
 1489 period by the number of weeks and parts thereof during which the employee earned wages shall be
 1490 followed, provided that results fair and just to both parties will be thereby obtained. When, by reason of
 1491 a shortness of time during which the employee has been in the employment of his employer or the
 1492 casual nature or terms of his employment, it is impractical to compute the average weekly wages as
 1493 above defined, regard shall be had to the average weekly amount which during the 52 weeks previous to
 1494 the injury was being earned by a person of the same grade and character employed in the same class of
 1495 employment in the same locality or community.

1496 b. When for exceptional reasons the foregoing would be unfair either to the employer or employee,
 1497 such other method of computing average weekly wages may be resorted to as will most nearly
 1498 approximate the amount which the injured employee would be earning were it not for the injury.

1499 2. Whenever allowances of any character made to an employee in lieu of wages are a specified part
 1500 of the wage contract, they shall be deemed a part of his earnings. For the purpose of this title, the
 1501 average weekly wage of the members of the Virginia National Guard and the Virginia Defense Force,
 1502 registered members on duty or in training of the United States Civil Defense Corps of the
 1503 Commonwealth, volunteer firefighters engaged in firefighting activities under the supervision and control
 1504 of the Department of Forestry, and forest wardens shall be deemed to be such amount as will entitle
 1505 them to the maximum compensation payable under this title; however, any award entered under the
 1506 provisions of this title on behalf of members of the National Guard or their dependents, or registered
 1507 members on duty or in training of the United States Civil Defense Corps of the Commonwealth or their
 1508 dependents, shall be subject to credit for benefits paid them under existing or future federal law on
 1509 account of injury or occupational disease covered by the provisions of this title.

1510 3. Whenever volunteer firefighters, volunteer emergency medical services personnel, volunteer
 1511 law-enforcement chaplains, auxiliary or reserve police, auxiliary or reserve deputy sheriffs, members of
 1512 volunteer search and rescue organizations, volunteer members of community emergency response teams,
 1513 and volunteer members of medical reserve corps are deemed employees under this title, their average
 1514 weekly wage shall be deemed sufficient to produce the minimum compensation provided by this title for
 1515 injured workers or their dependents. For the purposes of workers' compensation insurance premium
 1516 calculations, the monthly payroll for each volunteer firefighter or volunteer who is an individual who
 1517 meets the definition of "emergency medical services personnel" in § 32.1-111.1 shall be deemed to be
 1518 \$300.

1519 4. The average weekly wage of persons, other than those covered in subdivision 3 of this definition,
 1520 who respond to a hazardous materials incident at the request of the Department of Emergency

- 1521 Management shall be based upon the earnings of such persons from their primary employers.
1522 "Award" means the grant or denial of benefits or other relief under this title or any rule adopted
1523 pursuant thereto.
1524 "Change in condition" means a change in physical condition of the employee as well as any change
1525 in the conditions under which compensation was awarded, suspended, or terminated which would affect
1526 the right to, amount of, or duration of compensation.
1527 "Client company" means any person that enters into an agreement for professional employer services
1528 with a professional employer organization.
1529 "Coemployee" means an employee performing services pursuant to an agreement for professional
1530 employer services between a client company and a professional employer organization.
1531 "Commission" means the Virginia Workers' Compensation Commission as well as its former
1532 designation as the Virginia Industrial Commission.
1533 "Employee" means:
1534 1. a. Every person, including ~~aliens~~ *noncitizens* and minors, in the service of another under any
1535 contract of hire or apprenticeship, written or implied, whether lawfully or unlawfully employed, except
1536 (i) one whose employment is not in the usual course of the trade, business, occupation or profession of
1537 the employer or (ii) as otherwise provided in subdivision 2 of this definition.
1538 b. Any apprentice, trainee, or retrainee who is regularly employed while receiving training or
1539 instruction outside of regular working hours and off the job, so long as the training or instruction is
1540 related to his employment and is authorized by his employer.
1541 c. Members of the Virginia National Guard, whether on duty in a paid or unpaid status or when
1542 performing voluntary service to their unit in a nonduty status at the request of their commander.
1543 Income benefits for members of the National Guard shall be terminated when they are able to return
1544 to their customary civilian employment or self-employment. If they are neither employed nor
1545 self-employed, those benefits shall terminate when they are able to return to their military duties. If a
1546 member of the National Guard who is fit to return to his customary civilian employment or
1547 self-employment remains unable to perform his military duties and thereby suffers loss of military pay
1548 which he would otherwise have earned, he shall be entitled to one day of income benefits for each unit
1549 training assembly or day of paid training which he is unable to attend.
1550 d. Members of the Virginia Defense Force.
1551 e. Registered members of the United States Civil Defense Corps of the Commonwealth, whether on
1552 duty or in training.
1553 f. Except as provided in subdivision 2 of this definition, all officers and employees of the
1554 Commonwealth, including (i) forest wardens; (ii) judges, clerks, deputy clerks and employees of juvenile
1555 and domestic relations district courts and general district courts; and (iii) secretaries and administrative
1556 assistants for officers and members of the General Assembly employed pursuant to § 30-19.4 and
1557 compensated as provided in the general appropriation act, who shall be deemed employees of the
1558 Commonwealth.
1559 g. Except as provided in subdivision 2 of this definition, all officers and employees of a municipal
1560 corporation or political subdivision of the Commonwealth.
1561 h. Except as provided in subdivision 2 of this definition, (i) every executive officer, including
1562 president, vice-president, secretary, treasurer or other officer, elected or appointed in accordance with the
1563 charter and bylaws of a corporation, municipal or otherwise and (ii) every manager of a limited liability
1564 company elected or appointed in accordance with the articles of organization or operating agreement of
1565 the limited liability company.
1566 i. Policemen and firefighters, sheriffs and their deputies, town sergeants and their deputies, county
1567 and city commissioners of the revenue, county and city treasurers, attorneys for the Commonwealth,
1568 clerks of circuit courts and their deputies, officers and employees, and electoral board members
1569 appointed in accordance with § 24.2-106, who shall be deemed employees of the respective cities,
1570 counties and towns in which their services are employed and by whom their salaries are paid or in
1571 which their compensation is earnable. However, notwithstanding the foregoing provision of this
1572 subdivision, such individuals who would otherwise be deemed to be employees of the city, county, or
1573 town in which their services are employed and by whom their salaries are paid or in which their
1574 compensation is earnable shall be deemed to be employees of the Commonwealth while rendering aid
1575 outside of the Commonwealth pursuant to a request, approved by the Commonwealth, under the
1576 Emergency Management Assistance Compact enacted pursuant to § 44-146.28:1.
1577 j. Members of the governing body of any county, city, or town in the Commonwealth, whenever
1578 coverage under this title is extended to such members by resolution or ordinance duly adopted.
1579 k. Volunteers, officers and employees of any commission or board of any authority created or
1580 controlled by a local governing body, or any local agency or public service corporation owned, operated
1581 or controlled by such local governing body, whenever coverage under this title is authorized by

1582 resolution or ordinance duly adopted by the governing board of any county, city, town, or any political
1583 subdivision thereof.

1584 l. Except as provided in subdivision 2 of this definition, volunteer firefighters, volunteer emergency
1585 medical services agency personnel, volunteer law-enforcement chaplains, auxiliary or reserve police,
1586 auxiliary or reserve deputy sheriffs, members of volunteer search and rescue organizations, volunteer
1587 members of regional hazardous materials emergency response teams, volunteer members of community
1588 emergency response teams, and volunteer members of medical reserve corps, who shall be deemed
1589 employees of (i) the political subdivision or public institution of higher education in which the principal
1590 office of such volunteer fire company, volunteer emergency medical services agency personnel,
1591 volunteer law-enforcement chaplains, auxiliary or reserve police force, auxiliary or reserve deputy sheriff
1592 force, volunteer search and rescue organization, regional hazardous materials emergency response team,
1593 community emergency response team, or medical reserve corps is located if the governing body of such
1594 political subdivision or public institution of higher education has adopted a resolution acknowledging
1595 those persons as employees for the purposes of this title or (ii) in the case of volunteer firefighters or
1596 volunteer emergency medical services personnel, the fire companies or emergency medical services
1597 agencies for which volunteer services are provided whenever such companies or squads elect to be
1598 included as an employer under this title.

1599 m. (1) Volunteer firefighters, volunteer emergency medical services agency personnel, volunteer
1600 law-enforcement chaplains, auxiliary or reserve police, auxiliary or reserve deputy sheriffs, members of
1601 volunteer search and rescue organizations and any other persons who respond to an incident upon
1602 request of the Department of Emergency Management, who shall be deemed employees of the
1603 Department of Emergency Management for the purposes of this title.

1604 (2) Volunteer firefighters when engaged in firefighting activities under the supervision and control of
1605 the Department of Forestry, who shall be deemed employees of the Department of Forestry for the
1606 purposes of this title.

1607 n. Any sole proprietor, shareholder of a stock corporation having only one shareholder, member of a
1608 limited liability company having only one member, or all partners of a business electing to be included
1609 as an employee under the workers' compensation coverage of such business if the insurer is notified of
1610 this election. Any sole proprietor, shareholder or member or the partners shall, upon such election, be
1611 entitled to employee benefits and be subject to employee responsibilities prescribed in this title.

1612 When any partner or sole shareholder, member or proprietor is entitled to receive coverage under this
1613 title, such person shall be subject to all provisions of this title as if he were an employee; however, the
1614 notices required under §§ 65.2-405 and 65.2-600 shall be given to the insurance carrier, and the panel of
1615 physicians required under § 65.2-603 shall be selected by the insurance carrier.

1616 o. The independent contractor of any employer subject to this title at the election of such employer
1617 provided (i) the independent contractor agrees to such inclusion and (ii) unless the employer is
1618 self-insured, the employer's insurer agrees in writing to such inclusion. All or part of the cost of the
1619 insurance coverage of the independent contractor may be borne by the independent contractor.

1620 When any independent contractor is entitled to receive coverage under this section, such person shall
1621 be subject to all provisions of this title as if he were an employee, provided that the notices required
1622 under §§ 65.2-405 and 65.2-600 are given either to the employer or its insurance carrier.

1623 However, nothing in this title shall be construed to make the employees of any independent
1624 contractor the employees of the person or corporation employing or contracting with such independent
1625 contractor.

1626 p. The legal representative, dependents and any other persons to whom compensation may be payable
1627 when any person covered as an employee under this title shall be deceased.

1628 q. Jail officers and jail superintendents employed by regional jails or jail farm boards or authorities,
1629 whether created pursuant to Article 3.1 (§ 53.1-95.2 et seq.) or Article 5 (§ 53.1-105 et seq.) of Chapter
1630 3 of Title 53.1, or an act of assembly.

1631 r. AmeriCorps members who receive stipends in return for volunteering in local, state and nonprofit
1632 agencies in the Commonwealth, who shall be deemed employees of the Commonwealth for the purposes
1633 of this title.

1634 s. Food Stamp recipients participating in the work experience component of the Food Stamp
1635 Employment and Training Program, who shall be deemed employees of the Commonwealth for the
1636 purposes of this title.

1637 t. Temporary Assistance for Needy Families recipients not eligible for Medicaid participating in the
1638 work experience component of the Virginia Initiative for Education and Work, who shall be deemed
1639 employees of the Commonwealth for the purposes of this title.

1640 2. "Employee" shall not mean:

1641 a. Officers and employees of the Commonwealth who are elected by the General Assembly, or
1642 appointed by the Governor, either with or without the confirmation of the Senate. This exception shall

1643 not apply to any "state employee" as defined in § 51.1-124.3 nor to Supreme Court Justices, judges of
 1644 the Court of Appeals, judges of the circuit or district courts, members of the Workers' Compensation
 1645 Commission and the State Corporation Commission, or the Superintendent of State Police.

1646 b. Officers and employees of municipal corporations and political subdivisions of the Commonwealth
 1647 who are elected by the people or by the governing bodies, and who act in purely administrative
 1648 capacities and are to serve for a definite term of office.

1649 c. Any person who is a licensed real estate salesperson, or a licensed real estate broker associated
 1650 with a real estate broker, if (i) substantially all of the salesperson's or associated broker's remuneration is
 1651 derived from real estate commissions, (ii) the services of the salesperson or associated broker are
 1652 performed under a written contract specifying that the salesperson is an independent contractor, and (iii)
 1653 such contract includes a provision that the salesperson or associated broker will not be treated as an
 1654 employee for federal income tax purposes.

1655 d. Any taxicab or executive sedan driver, provided the Commission is furnished evidence that such
 1656 individual is excluded from taxation by the Federal Unemployment Tax Act.

1657 e. Casual employees.

1658 f. Domestic servants.

1659 g. Farm and horticultural laborers, unless the employer regularly has in service more than three
 1660 full-time employees.

1661 h. Employees of any person, firm or private corporation, including any public service corporation,
 1662 that has regularly in service less than three employees in the same business within this Commonwealth,
 1663 unless such employees and their employers voluntarily elect to be bound by this title. However, this
 1664 exemption shall not apply to the operators of underground coal mines or their employees. An executive
 1665 officer who is not paid salary or wages on a regular basis at an agreed upon amount and who rejects
 1666 coverage under this title pursuant to § 65.2-300 shall not be included as an employee for purposes of
 1667 this subdivision.

1668 i. Employees of any common carrier by railroad engaging in commerce between any of the several
 1669 states or territories or between the District of Columbia and any of the states or territories and any
 1670 foreign nation or nations, and any person suffering injury or death while he is employed by such carrier
 1671 in such commerce. This title shall not be construed to lessen the liability of any such common carrier or
 1672 to diminish or take away in any respect any right that any person so employed, or the personal
 1673 representative, kindred or relation, or dependent of such person, may have under the act of Congress
 1674 relating to the liability of common carriers by railroad to their employees in certain cases, approved
 1675 April 22, 1908, or under §§ 8.01-57 through 8.01-62 or § 56-441.

1676 j. Employees of common carriers by railroad who are engaged in intrastate trade or commerce.
 1677 However, this title shall not be construed to lessen the liability of such common carriers or take away or
 1678 diminish any right that any employee or, in case of his death, the personal representative of such
 1679 employee of such common carrier may have under §§ 8.01-57 through 8.01-61 or § 56-441.

1680 k. Except as provided in subdivision 1 of this definition, a member of a volunteer fire department or
 1681 volunteer emergency medical services agency when engaged in activities related principally to
 1682 participation as an individual who meets the definition of "emergency medical services personnel" in
 1683 § 32.1-111.1 or a member of such fire department whether or not the volunteer continues to receive
 1684 compensation from his employer for time away from the job.

1685 l. Except as otherwise provided in this title, noncompensated employees and noncompensated
 1686 directors of (i) corporations exempt from taxation pursuant to § 501(c)(3) of Title 26 of the United
 1687 States Code (Internal Revenue Code of 1954) or (ii) property owners' associations as defined in
 1688 § 55.1-1800.

1689 m. Any person performing services as a sports official for an entity sponsoring an interscholastic or
 1690 intercollegiate sports event or any person performing services as a sports official for a public entity or a
 1691 private, nonprofit organization which sponsors an amateur sports event. For the purposes of this
 1692 subdivision, "sports official" includes an umpire, referee, judge, scorekeeper, timekeeper or other person
 1693 who is a neutral participant in a sports event. This shall not include any person, otherwise employed by
 1694 an organization or entity sponsoring a sports event, who performs services as a sports official as part of
 1695 his regular employment.

1696 n. Any person who suffers an injury on or after July 1, 2012, for which there is jurisdiction under
 1697 either the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. § 901 et seq., and its
 1698 extensions, or the Merchant Marine Act of 1920, 46 U.S.C. § 30104 et seq. However, this title shall not
 1699 be construed to eliminate or diminish any right that any person or, in the case of the person's death, his
 1700 personal representative, may have under either the Longshore and Harbor Workers' Compensation Act,
 1701 33 U.S.C. § 901 et seq., and its extensions, or the Merchant Marine Act of 1920, 46 U.S.C. § 30104 et
 1702 seq.

1703 o. An owner-operator of a motor vehicle that is leased with or to a common or contract carrier in the

1704 trucking industry if (i) the owner-operator performs services for the carrier pursuant to a contract that
 1705 provides that the owner-operator is an independent contractor and shall not be treated as an employee
 1706 for purposes of the Federal Insurance Contributions Act, 26 U.S.C. § 3101 et seq., Social Security Act
 1707 of 1935, P.L. 74-271, federal unemployment tax laws, and federal income tax laws and (ii) each of the
 1708 following factors is present:

- 1709 (1) The owner-operator is responsible for the maintenance of the vehicle;
- 1710 (2) The owner-operator bears the principal burden of the vehicle's operating costs;
- 1711 (3) The owner-operator is the driver;
- 1712 (4) The owner-operator's compensation is based on factors related to the work performed and not on
 1713 the basis of hours or time expended; and
- 1714 (5) The owner-operator determines the method and means of performing the service.

1715 "Employer" includes (i) any person, the Commonwealth or any political subdivision thereof and any
 1716 individual, firm, association or corporation, or the receiver or trustee of the same, or the legal
 1717 representative of a deceased employer, using the service of another for pay and (ii) any volunteer fire
 1718 company or volunteer emergency medical services agency electing to be included and maintaining
 1719 coverage as an employer under this title. If the employer is insured, it includes his insurer so far as
 1720 applicable.

1721 "Executive officer" means (i) the president, vice-president, secretary, treasurer or other officer elected
 1722 or appointed in accordance with the charter and bylaws of a corporation and (ii) the managers elected or
 1723 appointed in accordance with the articles of organization or operating agreement of a limited liability
 1724 company. However, "executive officer" does not include (a) noncompensated officers of corporations
 1725 exempt from taxation pursuant to § 501(c)(3) of Title 26 of the United States Code (Internal Revenue
 1726 Code of 1954) or (b) noncompensated officers of a property owners' association as such term is defined
 1727 in § 55.1-1800.

1728 "Filed" means hand delivered to the Commission's office in Richmond or any regional office
 1729 maintained by the Commission; sent by means of electronic transmission approved by the Commission;
 1730 sent by facsimile transmission; or posted at any post office of the United States Postal Service by
 1731 certified or registered mail. Filing by first-class mail, electronic transmission, or facsimile transmission
 1732 shall be deemed completed only when the document or other material transmitted reaches the
 1733 Commission or its designated agent.

1734 "Injury" means only injury by accident arising out of and in the course of the employment or
 1735 occupational disease as defined in Chapter 4 (§ 65.2-400 et seq.) and does not include a disease in any
 1736 form, except when it results naturally and unavoidably from either of the foregoing causes. Such term
 1737 shall not include any injury, disease or condition resulting from an employee's voluntary:

- 1738 1. Participation in employer-sponsored off-duty recreational activities which are not part of the
 1739 employee's duties; or
- 1740 2. Use of a motor vehicle that was provided to the employee by a motor vehicle dealer as defined by
 1741 § 46.2-1500 and bears a dealer's license plate as defined by § 46.2-1550 for (i) commuting to or from
 1742 work or (ii) any other nonwork activity.

1743 Such term shall include any injury, disease or condition:

- 1744 1. Arising out of and in the course of the employment of (a) an employee of a hospital as defined in
 1745 § 32.1-123; (b) an employee of a health care provider as defined in § 8.01-581.1; (c) an employee of the
 1746 Department of Health or a local department of health; (d) a member of a search and rescue organization;
 1747 or (e) any person described in clauses (i) through (iv), (vi), and (ix) of subsection A of § 65.2-402.1
 1748 otherwise subject to the provisions of this title; and

1749 2. Resulting from (a) the administration of vaccinia (smallpox) vaccine, Cidofivir and derivatives
 1750 thereof, or Vaccinia Immune Globulin as part of federally initiated smallpox countermeasures, or (b)
 1751 transmission of vaccinia in the course of employment from an employee participating in such
 1752 countermeasures to a coemployee of the same employer.

1753 "Professional employer organization" means any person that enters into a written agreement with a
 1754 client company to provide professional employer services.

1755 "Professional employer services" means services provided to a client company pursuant to a written
 1756 agreement with a professional employer organization whereby the professional employer organization
 1757 initially employs all or a majority of a client company's workforce and assumes responsibilities as an
 1758 employer for all coemployees that are assigned, allocated, or shared by the agreement between the
 1759 professional employer organization and the client company.

1760 "Staffing service" means any person, other than a professional employer organization, that hires its
 1761 own employees and assigns them to a client to support or supplement the client's workforce. It includes
 1762 temporary staffing services that supply employees to clients in special work situations such as employee
 1763 absences, temporary skill shortages, seasonal workloads, and special assignments and projects.

1764 **§ 66-3.2. Additional duties of the Director.**

1765 A. The Director shall coordinate with the Department of Corrections the development and submission
1766 of requests for compensation from the United States Department of Justice State Criminal Alien
1767 Assistance Program for costs associated with incarcerating undocumented ~~aliens~~ *immigrants*.

1768 B. The Director shall forward to the Commonwealth's Attorneys' Services Council, updated on a
1769 monthly basis, a list of all juveniles, 14 years of age or older, that (i) have been committed to the
1770 Department; (ii) have been found guilty of a felony offense defined as a predicate criminal act under
1771 § 18.2-46.1, or have been adjudicated delinquent on the basis of an act that would be a felony and a
1772 predicate criminal act under § 18.2-46.1 if committed by an adult; and (iii) have been identified as
1773 belonging to a criminal gang. The list shall contain identifying information for each gang member, as
1774 well as the offense, court, and date of conviction or adjudication.