

# VIRGINIA ACTS OF ASSEMBLY -- 1999 SESSION

## CHAPTER 380

*An Act to require the Alcoholic Beverage Control Board to adopt regulations implementing the provisions of Chapters 549 and 563 of the 1995 Acts of Assembly and Chapter 40 of the 1997 Acts of Assembly.*

[H 2248]

Approved March 24, 1999

Whereas, Chapters 549 and 563 of the 1995 Acts of Assembly required the Alcoholic Beverage Control Board to designate, by regulation, the violations for which a waiver of a hearing and payment of a civil charge in lieu of suspension may be accepted for a first offense occurring within three years immediately preceding the date of the violation, including: (i) establishment of a schedule of penalties for such offenses, prescribing the appropriate suspension of a license and the civil charge acceptable in lieu of such suspension, and (ii) provision for the licensee receiving notice of a hearing on an alleged violation being advised of the option of (a) accepting the suspension authorized by the Board's schedule, (b) paying a civil charge authorized by the Board's schedule in lieu of suspension, or (c) proceeding to a hearing; and

Whereas, Chapter 40 of the 1997 Acts of Assembly required the Alcoholic Beverage Control Board to promulgate regulations requiring retail licensees to file an appeal from any hearing decision rendered by a hearing officer within thirty days of the date the notice of the decision is sent; and

Whereas, the regulations required by Chapters 549 and 563 of the 1995 Acts of Assembly and those required by Chapter 40 of the 1997 Acts of Assembly have not been adopted; now, therefore,

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

**1.** *§ 1. The Alcoholic Beverage Control Board shall promulgate emergency regulations to implement the provisions of Chapters 549 and 563 of the 1995 Acts of Assembly and Chapter 40 of the 1997 Acts of Assembly which regulations shall be effective July 1, 1999.*

*§ 2. The Alcoholic Beverage Control Board shall adopt final regulations to implement the provisions of Chapters 549 and 563 of the 1995 Acts of Assembly and Chapter 40 of the 1997 Acts of Assembly on or before June 30, 2000.*

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