

2020 Session Bills

HB 395/SB 7 Minimum wage. Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$9.50 per hour effective January 1, 2021; to \$11.00 per hour effective January 1, 2022; to \$12.00 per hour effective January 1, 2023; to \$13.50 per hour effective January 1, 2025; and to \$15.00 per hour effective January 1, 2026. For January 1, 2027, and thereafter, the annual minimum wage will be adjusted to reflect increases in the consumer price index. The measure creates a training wage at 75 percent of the minimum wage for employees in on-the-job training programs lasting less than 90 days. The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the Fair Labor Standards Act; persons employed in domestic service or in or about a private home; persons who normally work and are paid on the amount of work done; persons with intellectual or physical disabilities except those whose employment is covered by a special certificate issued by the U.S. Secretary of Labor; persons employed by an employer who does not employ four or more persons at any one time; and persons who are less than 18 years of age and who are under the jurisdiction of a juvenile and domestic relations district court. The measure provides that the Virginia minimum wage does not apply to persons participating in the U.S. Department of State's au pair program, persons employed as temporary foreign workers, and persons employed by certain amusement or recreational establishments, organized camps, or religious or nonprofit educational conference centers. **(Passed)**

336/SB 49. Nonpayment of wages; investigations. Authorizes the Commissioner of Labor and Industry, if he acquires information during an investigation of a complaint of an employer's failure or refusal to pay wages and that information creates a reasonable belief that other employees of the same employer may not have been paid wages, to investigate whether the employer has failed or refused to make a required payment of wages to other employees. The measure also provides that if the Commissioner finds in the course of such investigation that the employer has committed a violation, the Commissioner may institute proceedings on behalf of any employee against his employer. In such proceedings, the Commissioner is not required to have obtained a written complaint of the violation or the written and signed consent of any employee. **(Passed)**

HB 582/SB 939. Labor and employment; collective bargaining; employees of counties, cities, and towns. Permits counties, cities, and towns to adopt local ordinances authorizing them to (i) recognize any labor union or other employee association as a bargaining agent of any public officers or employees, except for Constitutional officers and their employees, and including public school employees and (ii) collectively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter relating to them or their employment. The bill provides that for any governing body of a county, city, or

town that has not adopted an ordinance or resolution providing for collective bargaining, such governing body is required, within 120 days of receiving certification from a majority of public employees in a unit considered by such employees to be appropriate for the purposes of collective bargaining, to take a vote to adopt or not adopt an ordinance or resolution to provide for collective bargaining by such public employees and any other public employees deemed appropriate by the governing body. The bill provides that the prohibition against striking for public employees applies, irrespective of any such local ordinance. The bill has a delayed effective date of May 1, 2021. **(Passed)**

HB 757. Public employment; limitations on inquiries by state agencies and localities regarding criminal arrests, charges, or convictions. Prohibits state agencies and localities from including on any employment application a question inquiring whether the prospective employee has ever been arrested for, charged with, or convicted of any crime. The bill prohibits asking a prospective employee if he has ever been arrested or charged with or convicted of any crime unless the inquiry takes place during or after a staff interview of the prospective employee. The prohibition does not apply to applications for employment with law-enforcement agencies or positions related to law-enforcement agencies. The prohibition also does not apply to applications for state agency positions designated as sensitive or to state agencies that are expressly permitted to inquire into an individual's criminal arrests or charges for employment purposes pursuant to any provision of federal or state law. For localities, the prohibition also does not apply to positions for employment by the local school board. **(Passed)**

HB 798. Employment; prohibited retaliatory action. Prohibits an employer from discharging, disciplining, threatening, discriminating against, penalizing, or taking other retaliatory action against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because the employee (i) reports a violation of any federal or state law or regulation to a supervisor or to any governmental body or law-enforcement official; (ii) is requested by a governmental body or law-enforcement official to participate in an investigation, hearing, or inquiry; (iii) refuses to engage in a criminal act that would subject the employee to criminal liability; (iv) refuses an employer's order to perform an action that violates any federal or state law or regulation and the employee informs the employer that the order is being refused for that reason; or (v) provides information to or testifies before any governmental body or law enforcement official conducting an investigation, hearing, or inquiry into any alleged violation by the employer of federal or state law or regulation. A person who alleges a violation of this chapter may bring a civil action seeking injunctive relief, reinstatement, and compensation for lost wages, benefits, and other remuneration. **(Passed)**

HB 833/SB 8. Prevailing wage; public works contracts; penalty. Requires contractors and subcontractors under any public contract with a state agency, or with a locality that has adopted an ordinance requiring the payment of prevailing wages, for public works to pay

wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract for public works at the prevailing wage rate. The provisions of the bill would not apply to any contract for public works of \$250,000 or less. The Commissioner of Labor and Industry is required to determine the prevailing wage rate for such public contracts on the basis of applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the federal Davis Bacon Act. A contractor or subcontractor who willfully employs any mechanic, laborer, or worker to perform work contracted to be done under the public contract at a rate that is less than the prevailing wage rate is guilty of a Class 1 misdemeanor. In addition, such a contractor or subcontractor shall be liable to such individuals for the payment of all wages due plus interest and shall be disqualified from bidding on public contracts with any public body until full restitution has been paid to the individuals. The bill has a delayed effective date of May 1, 2021. **(Passed)**

HB 1251/SB 172 Health insurance; payment to out-of-network providers; balance billing.

Provides that when an enrollee receives emergency services from an out-of-network health care provider or receives out-of-network surgical or ancillary services at an in-network facility, the enrollee is not required to pay the out-of-network provider any amount other than the applicable cost-sharing requirement and such cost-sharing requirement cannot exceed the cost-sharing requirement that would apply if the services were provided in-network. The measure also provides that the health carrier's required payment to the out-of-network provider of the services is a commercially reasonable amount based on payments for the same or similar services provided in a similar geographic area. If such provider disputes the amount to be paid by the health carrier, the measure requires the provider and the health carrier to make a good faith effort to reach a resolution on the amount of the reimbursement. If the health carrier and the provider do not agree to a commercially reasonable payment and either party wants to take further action to resolve the dispute, then the measure requires the dispute will be resolved by arbitration. The measure establishes a framework for arbitration of such disputes that includes (i) a timeline for the proceedings, (ii) a method for choosing an arbitrator, (iii) required and optional factors for the arbitrator to consider, (iv) nondisclosure agreements, (v) reporting requirements, and (vi) an appeals process for appeals on certain procedural grounds. The measure requires the State Corporation Commission to contract with Virginia Health Information (VHI) to establish a data set and business protocols to provide health carriers, providers, and arbitrators with data to assist in determining commercially reasonable payments and resolving disputes. The measure requires the Commission, in consultation with health carriers, providers, and consumers, to

develop standard language for a notice of consumer rights regarding balance billing. The measure authorizes the Commission, the Board of Medicine, and the Commissioner of Health to levy fines and take action against a health carrier, health care practitioner, or medical care facility, respectively, for a pattern of violations of the prohibition against balance billing. Additionally, the measure prohibits a carrier or provider from initiating arbitration with such frequency as to indicate a general business practice. The measure provides that such provisions do not apply to an entity that provides or administers self-insured or self-funded plans; however, such entities may elect to be subject to such provisions. The measure authorizes the Commission to adopt rules and regulations governing the arbitration process. The measure has a delayed effective date of January 1, 2021. (Passed)

HB 1244/SB 812. Virginia Telephone Privacy Protection Act. Provides that for the purposes of the Virginia Telephone Privacy Act (the Act), “telephone solicitation call” includes any text message sent to any wireless telephone with a Virginia area code, or to a wireless telephone registered to any natural person who is a resident of the Commonwealth, for the purpose of offering or advertising any property, goods, or services for sale, lease, license, or investment, including offering or advertising an extension of credit or for the purpose of fraudulent activity. The bill prohibits a telephone solicitor from engaging in any conduct that results in the display of false or misleading caller identification information on the called party’s telephone. The bill increases the amount of damages and the amount of the civil penalty for violations of the Act from \$500 for each such violation to \$500 for a first violation, \$1,000 for a second violation, and \$5,000 for each subsequent violation and increases to \$5,000 the maximum civil penalty the court may impose for a willful first or second violation. (Passed)

Utilities

HB 1225. Electric utilities; notice before terminating service. Prohibits an electric utility from terminating the residential service of a customer for nonpayment for metered services when the electric utility believes that the customer is receiving or has received electric utility services for which the customer was not properly billed as the result of tampering with the electric utility’s meter until the electric utility has (i) retrieved the meter from the customer’s premises, which may be done without providing prior notice to the customer; (ii) immediately replaced it

with a new meter; and (iii) determined whether the meter has been tampered with. The measure requires that if the electric utility determines that the meter has been tampered with and seeks payment for services not properly billed, the electric utility must provide the customer with an invoice with a reasonable and final estimate of the amount owed by the customer as a result of the meter's failure. The electric utility is required to provide the customer one full billing period to pay the amount billed in such invoice. The measure authorizes a customer to submit a complaint to the State Corporation Commission and to file a formal proceeding after the informal complaint process has been exhausted. The measure includes specific conditions for which these requirements do not apply, including when the condition of a customer's wiring, equipment, or appliances is either unsafe or unsuitable for receiving the utility service or when the customer's use of the utility service or equipment interferes with or may be detrimental to the utility's facilities or to the provision of utility service by the utility to any other customer. (Passed)

HB 1634/SB 629. Shared solar programs. Requires the State Corporation Commission to establish by regulation a shared solar program that allows customers of Dominion Energy Virginia to purchase electric power through a subscription in a shared solar facility, which is defined in the bill as a facility that, among other criteria, generates electricity by means of a solar photovoltaic device with a nameplate capacity rating that does not exceed 5,000 kilowatts. Under the program, a subscriber receives a bill credit for the proportional output of a shared solar facility attributable to that subscriber. Subscribers are required to pay a minimum bill, established by the Commission, that includes the costs of infrastructure and related services. The bill provides that the Commission shall approve a shared solar program of 150 megawatts with a minimum requirement of 30 percent of low-income customers and that the Commission will approve an additional 50 megawatts upon determining that at least 45 megawatts of the shared solar capacity have been subscribed to by low-income customers. (Passed)

HB 1664/SB 860/SB 998. Electric utilities; offshore wind development. Provides that the construction or purchase by a public utility of one or more offshore wind generation facilities located off the Commonwealth's Atlantic shoreline or in federal waters and interconnected directly into the Commonwealth, with an aggregate capacity of up to 5,200 megawatts, is in the public interest. The measure provides that construction by Dominion Energy Virginia of one or more new utility-owned and utility-operated generating facilities utilizing energy derived from offshore wind and located off the Commonwealth's Atlantic shoreline, with an aggregate rated capacity between 2,500 megawatts and 3,000 megawatts, along with electrical transmission or distribution facilities associated therewith for interconnection is in the public interest. The measure provides that the State Corporation Commission will determine the reasonableness

and prudence of associated costs and will presume such costs to be reasonable and prudent if certain criteria are met. The measure requires the Commission to permit a portion of the nameplate capacity of any such facility, in the aggregate, to be allocated to (i) certain commercial and industrial customers or (ii) qualifying large general service customers, provided that no more than 10 percent of the offshore wind facility's capacity is allocated to qualifying large general service customers. The measure provides that such costs shall be allocated to all customers of the utility in the Commonwealth as a non-bypassable charge, irrespective of the generation supplier of any such customer except for customers who are eligible for a Percentage of Income Payment Program, certain commercial and industrial customers, and qualifying large general service customers. The measure requires the utility to submit a plan to the Commission that includes the following considerations: (a) options for utilizing local workers; (b) the economic development benefits of the project for the Commonwealth, including capital investments and job creation; (c) consultation with the Commonwealth's Chief Workforce Development Officer, the Chief Diversity, Equity, and Inclusion Officer, and the Virginia Economic Development Partnership, on opportunities to advance the Commonwealth's workforce and economic development goals, including furtherance of apprenticeship and other workforce training programs; and (d) giving priority to the hiring, apprenticeship, and training of veterans, local workers, and workers from historically economically disadvantaged communities. The measure provides that any such project is required to include an environmental and fisheries mitigation plan submitted to the Commission for the construction and operation of such offshore wind facilities. (Passed)

HB 1526/SB 851 Virginia Clean Economy Act. Establishes a schedule by which Dominion Energy Virginia and American Electric Power are required to retire electric generating units located in the Commonwealth that emit carbon as a byproduct of combusting fuel to generate electricity and by which they are required to construct, acquire, or enter into agreements to purchase generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind. The measure replaces the existing voluntary renewable energy portfolio system (RPS) program with a mandatory RPS. Under the mandatory RPS, Dominion Energy Virginia and American Electric Power are required to produce their electricity from 100 percent renewable sources by 2045 and 2050, respectively. A utility that does not meet its targets is required to pay a specific deficiency payment or purchase renewable energy certificates.

The proceeds from the deficiency payments are to be deposited into an account administered by the Department of Mines, Minerals and Energy, which is directed to distribute specific percentages of the moneys to job training and renewable energy programs in historically economically disadvantaged communities, energy efficiency measures, and administrative costs. The measure requires the State Air Pollution Control Board to adopt regulations to reduce the carbon dioxide emissions from certain electricity generating units in the Commonwealth and authorizes the Board to establish, implement, and manage an auction program to sell allowances to carry out the purposes of such regulations and to utilize its existing regulations to reduce carbon dioxide emissions from electric power generating facilities. Among other things, the measure also (i) requires, by 2035, American Electric Power and Dominion Energy Virginia to construct or acquire 400 and 2700 megawatts of energy storage capacity, respectively; (ii) establishes an energy efficiency standard under which each investor-owned incumbent electric utility is required to achieve incremental annual energy efficiency savings that start in 2022 at 0.5 percent for American Electric Power and 1.25 percent for Dominion Energy Virginia of the average annual energy retail sales by that utility in 2019 and increase annually; (iii) exempts large general service customers from energy savings requirements; (iv) revises the incentive for electric utility energy efficiency programs; (v) provides that if the Commission finds in any triennial review that revenue reductions related to energy efficiency measures or programs approved and deployed since the utility's previous triennial review have caused the utility to earn more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for Dominion Energy Virginia and after December 31, 2013, for American Electric Power, more than 70 basis points below a fair combined rate of return on its generation and distribution services, the Commission shall order increases to the utility's rates for generation and distribution services necessary to recover such revenue reductions; (vi) establishes requirements regarding the

development by Dominion Energy Virginia of qualified offshore wind projects having an aggregate rated capacity of not less than 5,200 megawatts by January 1, 2034, and that in constructing any such facility, the utility shall (a) identify options for utilizing local workers; (b) identify the economic development benefits of the project for the Commonwealth, including capital investments and job creation; (c) consult with relevant governmental entities, including the Commonwealth's Chief Workforce Development Officer and the Virginia Economic Development Partnership, on opportunities to advance the Commonwealth's workforce and economic development goals, including furtherance of apprenticeship and other workforce training programs; and (d) give priority to the hiring, apprenticeship, and training of veterans, local workers, and workers from historically economically disadvantaged communities; (vii) requires each utility to include, and the Commission to consider, in any application to construct a new generating facility the social cost of carbon, as determined by the Commission, as a benefit or cost, whichever is appropriate; (viii) removes provisions that authorize nuclear and offshore wind generating facilities to continue to be eligible for an enhanced rate of return on common equity during the construction phase of the facility and the approved first portion of its service life of between 12 and 25 years in the case of a facility utilizing nuclear power and for a service life of between 5 and 15 years in the case of a facility utilizing energy derived from offshore wind; (ix) removes a provision that declares that planning and development activities for new nuclear generation facilities are in the public interest; (x) increases the limit from 5,000 megawatts to 16,100 megawatts on those solar and onshore wind generation facilities that are declared to be in the public interest and increases the limit from 16 megawatts to 3,000 megawatts on those offshore wind generation facilities that are declared to be in the public interest; (xi) amends the net energy metering program by increasing the maximum capacity of renewable generation facilities of participating nonresidential eligible customer-generators from one to three megawatts, increases the cap on the capacity of generation from facilities

from the customer's expected annual energy consumption to 150 percent of such amount for customers in Dominion Energy Virginia's service territory, increases each utility's systemwide cap from one percent of its adjusted Virginia peak-load forecast for the previous year to six percent of such amount, five percent of which is available to all customers and one percent of which is available only to low-income utility customers; (xii) establishes the Percentage of Income Payment Program (PIPP), which caps the monthly electric utility payment of low-income participants at six percent, or, if the participant's home uses electric heat, 10 percent, of the participant's household income, requires the Commission to issue its final order regarding the PIPP by December 31, 2020, and requires the Department of Housing and Community Development and the Department of Social Services to convene a stakeholder group to develop recommendations for implementing the PIPP and to submit the stakeholder group's recommendations to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor by December 1, 2020; (xiii) requires each investor-owned utility to consult with the Clean Energy Advisory Board in how best to inform low-income customers of opportunities to lower electric bills through access to solar energy; (xiv) requires the Department of Mines, Minerals and Energy in consultation with the Council on Environmental Justice to prepare a report to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor that determines if the implementation of the measure imposes a disproportionate burden on historically economically disadvantaged communities; (xv) requires the Secretary of Natural Resources and the Secretary of Commerce and Trade, in consultation with the State Corporation Commission and the Council on Environmental Justice and appropriate stakeholders, to report to the General Assembly by January 1, 2022, any recommendations on how to achieve 100 percent carbon free electric energy generation by 2045 at least cost for ratepayers; and (xvi) provides that it is the policy of the Commonwealth that the State Corporation Commission,

Department of Environmental Quality, Department of Mines, Minerals and Energy, Virginia Council on Environmental Justice, and other applicable state agencies, in the development of energy programs and job training programs and the placement of renewable energy facilities, shall consider those facilities and programs being to the benefit of low-income geographic areas and historically economically disadvantaged communities that are located near previously and presently permitted fossil fuel facilities or coal mines. (Passed)

Regional Greenhouse Gas Initiative

HB 981/SB 1027. Clean Energy and Community Flood Preparedness Act; fund. Directs the Department of Environmental Quality to incorporate into regulations previously adopted by the State Air Pollution Control Board certain provisions establishing a carbon dioxide cap and trade program to reduce emissions released by electric generation facilities. Such provisions are required to comply with the Regional Greenhouse Gas Initiative model rule. The bill authorizes the Director of the Department of Environmental Quality to establish, implement, and manage an auction program to sell allowances into a market-based trading program. The bill requires revenues from the sale of carbon allowances, to the extent permitted by Article X, Section 7 of the Constitution of Virginia, to be deposited in an interest-bearing account and to be distributed without further appropriation (i) to the Virginia Community Flood Preparedness Fund; (ii) to the

Department of Housing and Community Development for low-income energy efficiency programs; (iii) for administrative expenses; and (iv) to the Department of Housing and Community Development in partnership with the Department of Mines, Minerals and Energy to administer and implement low-income energy efficiency programs. The bill continues the Virginia Shoreline Resiliency Fund as the Virginia Community Flood Preparedness Fund for the purpose of creating a low-interest loan program to help inland and coastal communities that are subject to recurrent or repetitive flooding. The bill authorizes the Authority to pledge the assets of the Fund as security for any bonds issued to finance flood prevention or protection projects and directs the Authority to manage the Fund in accordance with a memorandum of agreement with the Department. The bill also authorizes any locality using moneys in the Fund to provide a loan for a project in a low-income geographic area to forgive the principal of such loan, with the obligation of the locality to repay the loan remaining in effect. The bill provides that if the Governor seeks to include the Commonwealth as a full participant in the Regional Greenhouse Gas Initiative, the regulations shall require that certain purchasers be responsible

for obtaining allowances under certain agreements. The measure authorizes the costs of allowances to be recovered by Phase I and Phase II Utilities from ratepayers. (Passed)

Unemployment Compensation

SB 548. Unemployment compensation. Amends various provisions regarding unemployment compensation and the Virginia Employment Commission. The bill provides that (i) the Commission shall base its determination on whether an individual is an employee on the standard used by the Internal Revenue Service for such determinations; (ii) for the purposes of unemployment compensation, “wages” does not include any payment made to, or on behalf of, an employee or his beneficiary under a cafeteria plan, as defined in § 125 of the Internal Revenue Code, if such payment would not be treated as wages under the Internal Revenue Code; and (iii) in an unemployment compensation claims adjudication matter, each day a person fails to obey a subpoena issued by a court, a court order, or a subpoena issued by the Commission shall be deemed to be a separate offense. Additionally, the bill requires (a) any employing unit to establish an account with the Commission by the end of the calendar quarter in which it becomes subject to the requirements for unemployment compensation, (b) an employer that has become subject to liability under the unemployment compensation provisions to submit the required reports by the due date of the calendar quarter in which the employer has initially become subject to such liability, and (c) all employers to file their quarterly payroll and tax reports on an electronic medium using a format prescribed by the Commission. Under current law, only employers with 100 or more employees are required to file electronically. The bill establishes a short-time compensation program that provides employers with the option of reducing the hours worked by employees while permitting the employees whose hours are reduced to receive partial compensation for lost wages. Program participation requires Virginia Employment Commission approval of a work sharing plan, which must provide that the reduction in hours of work is in lieu of a layoff of an equivalent percentage of employees and that employees’ health and retirement benefits cannot be reduced or eliminated under the plan. An individual who satisfies other requirements for unemployment benefits will be eligible for short-term compensation if he is available for the individual’s usual hours of work with the participating employer, which may include participating in certain training programs. The bill has an expiration date of July 1, 2022; however, if adequate funding by the U.S. Department of Labor that covers certain costs of establishing the program is not received by the Commission by January 1, 2021, the bill will expire on that date. (Passed)

HB 898/SB 481 Earned paid sick time. Requires public and

private employers with 15 or more employees to provide those employees with earned paid sick time; however, the provisions of the bill would not apply to an employer that has entered into a bona fide collective bargaining agreement. The measure provides for an employee to earn at least one hour of paid sick leave benefit for every 30 hours worked. An employee shall not use more than 40 hours of earned paid sick time in a year, unless the employer selects a higher limit. Employees shall not be entitled to use accrued earned paid sick time until the ninetieth calendar day following commencement of their employment, unless otherwise permitted by the employer. The bill provides that earned paid sick time may be used (i) for an employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care; (ii) to provide care to a family member under similar circumstances; (iii) when there is a closure of the employee's place of business or the employee's child's school or place of care due to a public health emergency; or (iv) when an employee's or employee's family member's presence in the community may jeopardize the health of others because of their exposure to a communicable disease. The bill prohibits employers from taking certain retaliatory actions against employees related to leave and authorizes the Commissioner of Labor and Industry, in the case of a knowing violation, to subject an employer to a civil penalty not to exceed \$150 for the first violation, \$300 for the second violation, and \$500 for each successive violation, if the second or successive violation occurs within two years of the previous violation. The Commissioner of Labor and Industry may institute proceedings on behalf of an employee to enforce compliance with this measure and to collect specified amounts from the employer, which shall be awarded to the employee. Alternatively, an aggrieved employee is authorized to bring a civil action against the employer in which he may recover double the amount of any unpaid earned sick time and the amount of any actual damages suffered as the result of the employer's violation. (Failed)

Constitutional Amendments

SJ 18 Constitutional amendment (second resolution); apportionment; Virginia Redistricting Commission.

Establishes the Virginia Redistricting Commission, a 16-member Commission tasked with establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly. The Commission consists of eight legislative members and eight citizen members. The legislative members consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen members are selected by a selection committee consisting of five retired judges of the circuit courts of Virginia, from lists submitted to the selection committee by the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the political party having the next highest number of members in the Senate. The Commission is required to submit to the General Assembly plans of districts for the Senate and the House of Delegates of the General Assembly no later than 45 days following the receipt of census data and plans of districts for the United States House of Representatives no later than 60 days following the receipt of census data, or July 1 of that year, whichever occurs later. The measure requires certain vote thresholds for plans, depending on the type of district, in order to be submitted to the General Assembly. No amendments may be made to a plan by the General Assembly, and any plan approved by the General Assembly becomes law without the signature of the Governor. The measure requires additional plans to be submitted, or additional time to be given to submit a plan, in certain circumstances and further provides that districts will be drawn by the Supreme Court of Virginia if such efforts fail. (Passed)

Higher Education

HB 36. Public institutions of higher education; student journalists; freedom of speech and the press. Declares that, except in certain limited circumstances, a student journalist at a public institution of higher education has the right to exercise freedom of speech and the press in institution-sponsored media, including determining the news and opinion content of institution sponsored media, regardless of whether the media is supported financially by the governing board of the institution, supported through the use of campus facilities, or produced in conjunction with a course in which the student is enrolled. The bill defines “institution-sponsored media” as any material that is prepared, substantially written, published, or broadcast by a student journalist at a public institution of higher education under the direction of a student media adviser and distributed or generally made available to members of the student body. (Passed)

HB 715. Governing boards of public institutions of higher education; increases in undergraduate tuition or mandatory fees; notice. Prohibits the governing board of any public institution of higher education from approving an increase in undergraduate tuition or mandatory fees without providing students and the public notice of the date, time, and location of the meeting at which public comment on such planned increase is permitted on the institution’s website and through any other standard means of communication utilized by the institution with students at least 10 days prior to such meeting. (Passed)

HB 1547/SB 935 Public institutions of higher education; eligibility for in-state tuition. Provides that any student is eligible for in-state tuition who (i) attended high school for at least two years in the Commonwealth and either (a) graduated on or after July 1, 2008, from a public or private high school or program of home instruction in the Commonwealth or (b) passed, on or after July 1, 2008, a high school equivalency examination approved by the Secretary of Education; (ii) has submitted evidence that he or, in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis has filed, unless exempted by state law, Virginia income tax returns for at least two years prior to the date of registration or enrollment; and (iii) registers as an entering student or is enrolled in a public institution of higher education in the Commonwealth. The bill states that students who meet these criteria shall be eligible for in-state tuition regardless of their

citizenship or immigration status, except students with currently valid visas issued under 8 U.S.C. § 1101(a)(15)(F), 1101(a)(15)(H)(iii), 1101(a)(15)(J) (including only students or trainees), or 1101(a)(15)(M). Information obtained in the implementation of the provisions of the bill shall only be used or disclosed to individuals other than the student for purposes of determining in-state tuition eligibility.

HB 811 Institutions of higher education; intercollegiate athletics; student-athletes; compensation and representation. Prohibits any private institution of higher education, baccalaureate public institution of higher education, athletic association, athletic conference, or other organization with authority over intercollegiate athletics from (i) providing a prospective student-athlete with compensation that results from the use of the student's name, image, or likeness; (ii) prohibiting or preventing a student-athlete from earning from another individual or entity compensation that results from the use of the student's name, image, or likeness, except in certain limited circumstances; (iii) prohibiting or preventing a student-athlete from obtaining professional representation by an athlete agent or legal representation by an attorney licensed to practice law in the Commonwealth; or (iv) declaring ineligible for or revoking a scholarship provided to a student-athlete who earns compensation that results from the use of the student's name, image, or likeness. The bill prohibits any athletic association, athletic conference, or other organization with authority over intercollegiate athletics from prohibiting or preventing a private institution of higher education or baccalaureate public institution of higher education from becoming a member of or participating in intercollegiate athletics sponsored by such association, conference, or organization as a consequence of the compensation of a student-athlete at such institution that results from the use of the student-athlete's name, image, or likeness. The foregoing provisions of the bill have a delayed effective date of July 1, 2024, and are limited to students enrolled at a private institution of higher education or baccalaureate public

institution of higher education who participate in Division 1 football in the Football Bowl Subdivision at such institution. (Failed)

SB 99 Public institutions of higher education; admissions applications; criminal history. Prohibits each public institution of higher education from (i) utilizing an institution-specific admissions application that contains questions about the criminal history of the applicant; (ii) denying admission to any applicant on the basis of any criminal history information provided by the applicant on any third-party admissions application accepted by the institution; or (iii) otherwise inquiring about the criminal history of an applicant for admission prior to the applicant receiving a conditional offer of acceptance from the institution. (Failed)

Elections

HB 1/SB 111 Absentee voting; no excuse required. Permits any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons under which a person may be entitled to vote by absentee ballot and removes references to those reasons from other sections of the Code. (Passed)

HB 19/SB 65 Voter identification; repeal of photo identification requirements; additional forms of identification accepted; signed statement in lieu of required form of identification; penalty. Removes the requirement that voters show a form of identification containing a photograph in order to be allowed to vote. The bill requires a voter to show either his voter registration confirmation documents; his valid Virginia driver's license, his valid United States passport, or any other identification issued by the Commonwealth, one of its political subdivisions, or the United States; any valid student identification card issued by any institution of higher education

located in the Commonwealth or any private school located in the Commonwealth; any valid student identification card issued by any institution of higher education located in any other state or territory of the United States; any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business; or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. The bill also provides that the expiration date on a Virginia driver's license is not considered when determining the validity of a driver's license offered for voter identification purposes. A voter who does not show one of the required forms of identification when offering to vote is required to sign a statement that he is the named registered voter he claims to be in order to be permitted to cast a ballot. Such statement is signed subject to felony penalties for making false statements, punishable as a Class 5 felony. A voter who does not show one of the required forms of identification and does not complete or sign the statement shall be offered a provisional ballot according to the provisions of current law. The bill adds language regarding identification requirements for certain voters pursuant to the federal Help America Vote Act of 2002. (Passed)

HB 177 Presidential electors; National Popular Vote

Compact. Enters Virginia into an interstate compact known as the Agreement Among the States to Elect the President by National Popular Vote. Article II of the Constitution of the United States gives the states exclusive and plenary authority to decide the manner of awarding their electoral votes. Under the compact, Virginia agrees to award its electoral votes to the presidential ticket that receives the most popular votes in all 50 states and the District of Columbia. The compact goes into effect when states cumulatively possessing a majority of the electoral votes have joined the compact. A state may withdraw from the compact; however, a withdrawal occurring within six months of the end of a President's term shall not become

effective until a President or Vice President has qualified to serve the next term. (Carried Over)

General Laws

HB 4/SB 36 Lottery Board; regulation of casino gaming.

Authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery Board. The bill specifies the requirements for licensure of casino gaming operators and the conduct of casino gaming and imposes criminal and civil penalties for violations of the casino gaming law. The location of casino gaming establishments shall be limited to the following eligible host cities that meet specified criteria: the Cities of Portsmouth, Richmond, Norfolk, Danville, and Bristol. The bill requires each eligible host city to hold a referendum on the question of whether to allow casino gaming in the city and to hold such referendum at the November 2020 general election. The bill imposes a tiered tax structure tied to adjusted gross receipts and provides for the disbursement of tax revenues. The bill requires the Board to establish a voluntary exclusion program allowing individuals to voluntarily list themselves as being barred from entering a casino gaming establishment or other facility under the jurisdiction of the Board. The bill establishes the Problem Gambling Treatment and Support Fund, administered by the Commissioner of Behavioral Health and Developmental Services, and the Virginia Indigenous People's Trust Fund, both of which are funded by proceeds from the casino gaming tax revenues. (Passed)

HB 108/SB 601 Legal holidays; Lee-Jackson Day; Election Day. Designates Election Day, the Tuesday after the first Monday in November, as a state holiday and removes Lee-Jackson Day as a state holiday. (Passed)

HB 827/SB 712 Virginia Human Rights Act; discrimination on the basis of pregnancy, childbirth, or related medical

conditions; reasonable accommodation for the known limitations of persons related to pregnancy, childbirth, or related medical conditions. Requires employers, defined in the bill, to make reasonable accommodation for the known limitations of a person related to pregnancy, childbirth, or related medical conditions, if such accommodation is necessary to assist such person in performing a particular job, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer. The bill also prohibits employers from taking any adverse action against an employee who requests or uses a reasonable accommodation and from denying employment or promotion opportunities to an otherwise qualified applicant or employee because such employer will be required to make reasonable accommodation to the applicant or employee. The bill creates a cause of action against any employer who denies any of the rights afforded by the bill and permits the court or jury to award compensatory damages, back pay, and other equitable relief. (Passed)

HB 881/SB 971 Illegal gambling; skill games; penalty.

Includes the playing or offering for play of any skill game in the definition of "illegal gambling." The bill also includes skill games within the definition of "gambling devices." The bill defines a "skill game" as an electronic, computerized, or mechanical contrivance, terminal, machine, or other device that requires the insertion of a coin, currency, ticket, token, or similar object to operate, activate, or play a game, the outcome of which is determined by any element of skill of the player and that may deliver or entitle the person playing or operating the device to receive cash; cash equivalents, gift cards, vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash; merchandise; or anything of value whether the payoff is made automatically from the device or manually. The bill exempts family entertainment centers from the prohibition against the playing or offering of any skill game, provided the prize won or distributed to a player by the skill games offered by such centers is a noncash, merchandise prize or a voucher, billet, ticket,

token, or electronic credit redeemable only for a noncash, merchandise prize that also meets certain other requirements. (Passed)

Insurance

HB 1251/SB 172. Health insurance; payment to out-of-network providers. Provides that when an enrollee receives emergency services from an out-of-network health care provider or receives out-of-network surgical or ancillary services at an in-network facility, the enrollee is not required to pay the out-of-network provider any amount other than the applicable cost-sharing requirement and such cost-sharing requirement cannot exceed the cost-sharing requirement that would apply if the services were provided in-network. The measure also provides that the health carrier's required payment to the out-of-network provider of the services is a commercially reasonable amount based on payments for the same or similar services provided in a similar geographic area. If such provider disputes the amount to be paid by the health carrier, the measure requires the provider and the health carrier to make a good faith effort to reach a resolution on the amount of the reimbursement. If the health carrier and the provider do not agree to a commercially reasonable payment and either party wants to take further action to resolve the dispute, then the measure requires the dispute will be resolved by arbitration. The measure establishes a framework for arbitration of such disputes that includes (i) a timeline for the proceedings, (ii) a method for choosing an arbitrator, (iii) required and optional factors for the arbitrator to consider, (iv) non-disclosure agreements, (v) reporting requirements, and (vi) an appeals process for appeals on certain procedural grounds. The measure requires the State Corporation Commission to contract with Virginia Health Information (VHI) to establish a data set and business protocols to provide health carriers, providers, and arbitrators with data to assist in determining commercially reasonable payments and resolving disputes. The measure requires the Commission, in consultation with health carriers, providers, and consumers, to develop standard language for a notice of consumer rights regarding balance billing. The measure authorizes the Commission, the Board of Medicine, and the Commissioner of Health to levy fines and take action against a health carrier, health care practitioner, or medical care facility, respectively, for a pattern of violations of the prohibition against balance billing. Additionally, the measure prohibits a carrier or provider from initiating arbitration with such frequency as to indicate a general business practice. The measure provides that such provisions do not apply to an entity that provides or administers self-insured or self-funded plans; however, such entities may elect to be subject such provisions. The measure authorizes the Commission to adopt rules and regulations governing the arbitration process. The measure has a delayed effective date of January 1, 2021. (Passed)

Local Government

HB 1101/SB 834 Affordable housing dwelling unit

ordinances. Allows certain localities to adopt affordable housing dwelling unit ordinances. The governing body of any locality, other than localities to which certain current affordable housing provisions apply, may by amendment to the zoning ordinances of such locality provide for an affordable housing dwelling unit program. Such program shall address housing needs, promote a full range of housing choices, and encourage the construction and continued existence of housing affordable to low-and-moderate-income citizens by providing for increases in density to the applicant in exchange for the applicant's voluntarily electing to provide such affordable housing. Any local ordinance may authorize the governing body to (i) establish qualifying jurisdiction-wide affordable dwelling unit sales prices based on local market conditions, (ii) establish jurisdiction-wide affordable dwelling unit qualifying income guidelines, and (iii) offer incentives other than density increases, such as reductions or waiver of permit, development, and infrastructure fees, as the governing body deems appropriate to encourage the provision of affordable housing. The bill provides that any zoning ordinance establishing an affordable housing dwelling unit program may include reasonable regulations and provisions as to any or all of the following: (a) for application of the requirements of an affordable housing dwelling unit program to any site, as defined by the locality, or a portion thereof at one location that is the subject of an application for rezoning or special exception or site plan or subdivision plat that yields, as submitted by the applicant, at an equivalent density greater than one unit per acre and that is located within an approved sewer area; (b) the waiver of any fees associated with the construction, renovation, or rehabilitation of a structure, including building permit fees, application review fees, and water and sewer connection fees; (c) for standards of compliance with the provisions of an affordable housing dwelling unit program and

for the authority of the local governing body or its designee to enforce compliance with such standards and impose reasonable penalties for noncompliance, provided that such local zoning ordinance provide for an appeal process for any party aggrieved by a decision of the local governing body; and (d) various other provisions set out in the bill. Any zoning ordinance establishing such affordable housing dwelling unit program shall adopt the regulations and provisions set out in the bill to establish an affordable housing density bonus and development standards relief program. **(Passed)**

HB 1537/SB 183 Memorials for war veterans. Provides that a locality may remove, relocate, contextualize, or cover any monument or memorial for war veterans on the localities public property, not including a monument or memorial located in a publicly owned cemetery, regardless of when the monument or memorial was erected, and removes certain criminal and civil penalties. Current law makes it unlawful to disturb or interfere with such monuments or memorials or to prevent citizens from taking proper measures and exercising proper means for the protection, preservation, and care of monuments or memorials. Prior to removing, relocating, contextualizing, or covering any such publicly owned monument or memorial, the local governing body shall publish notice of such intent in a newspaper having general circulation in the locality. The notice shall specify the time and place of a public hearing at which interested persons may present their views, not less than 30 days after publication of the notice. After the completion of the hearing, the governing body may vote whether to remove, relocate, contextualize, or cover the monument or memorial. If the governing body votes to remove, relocate, contextualize, or cover the monument or memorial, the local governing body shall first, for a period of 30 days, offer the monument or memorial for relocation and placement to any museum, historical society, government, or military battlefield. The local governing body shall have sole authority to determine the final disposition of the monument or memorial. The bill authorizes the local governing body to call for an advisory referendum prior to voting on such motion. The bill repeals an 1890 act of assembly related to the placement of a statue in the City of Alexandria and does not apply to a monument or memorial located on the property of a public institution of higher education within the City of Lexington. The bill also provides that the Board of Historic Resources shall promulgate regulations governing the manner in which any monument or memorial may be contextualized. **(Passed)**

Taxation

HB 200/HB 486/HB 1631/SB 224/SB 943/SB 1028 Additional sales and use tax in certain localities; appropriations to incorporated towns for educational purposes. These bills authorize Charlotte County, Gloucester County, Henry County, Northampton County,

Mecklenburg County, Patrick County, Pittsylvania County, and the City of Danville to impose an additional local sales and use tax at a rate not to exceed one percent, as determined by the governing body, if initiated by a resolution of the local governing body and approved by the voters at a referendum. The bill requires the governing body to specify in the enacting ordinance the time period, not to exceed 20 years, for which the tax would be imposed. Revenue from the tax shall be used solely for capital projects for new construction or major renovation of schools in the locality enacting the tax. Under current law, only Halifax County has the authority to impose such tax. **(Passed)**

HB 785/SB 588 Local tax authority. Modifies or eliminates several restrictions that apply to taxes imposed by counties and establishes a new restriction on cigarette taxes imposed by any locality. The bill authorizes most counties to impose an admissions tax, not to exceed a 10 percent rate. Under current law, only certain counties may impose an admissions tax. The bill eliminates the limit on the rate of transient occupancy tax that a county may impose. The bill requires that any revenue attributable to a rate over two percent but not exceeding five percent must be dedicated to tourism marketing. Under current law, all counties may impose a transient occupancy tax of up to two percent, and certain counties may impose it up to a higher maximum rate. The bill authorizes any county to impose a cigarette tax up to a maximum rate of 40 cents per pack. It also provides that any locality that imposes such tax at a rate higher than 40 cents per pack may not increase such rate. The provisions related to the cigarette tax have a delayed effective date of July 1, 2021. Under current law, only certain counties may impose a cigarette tax, and cities and towns may impose such tax with no limit on the rate. The bill authorizes any county to impose a food and beverage tax of up to six percent and eliminates the requirement that a county hold a referendum before imposing such tax. Under current law, all counties may impose the tax after a referendum, but the rate may not exceed four percent. **(Passed)**

HB 1407/SB 744 Misclassification of employees as independent contractors; Department of Taxation to investigate and enforce; civil penalties. Prohibits an employer from classifying an individual as an independent contractor if he is an employee. An individual shall be considered an employee of the party that pays the remuneration unless and until it is shown that such individual is an independent contractor under Internal Revenue Service guidelines. Violators are subject to civil penalties and debarment from public contracts. The bill has a delayed effective date of January 1, 2021. **(Passed)**

Technology

HB 742 Local regulation of unmanned aircraft. Authorizes a political subdivision, by ordinance or regulation, to regulate the take-off or landing of certain unmanned aircraft on property owned by the political subdivision in accordance with the rules and regulations adopted by the Department of Aviation. The bill requires the locality to report the ordinance or regulation to the Department and directs the Department to publish a summary on the locality's website. The bill also directs the Department, by January 1, 2021, to develop rules and regulations specific to take-offs and landings in consultation with representatives of the unmanned aircraft system industry, small and medium-sized businesses utilizing unmanned aircraft systems, localities, and other stakeholders. The bill has a delayed effective date of January 1, 2021.

(Passed)

HB 817 Department of Education; Department of Health; guidelines for use of digital devices in public schools. Requires the Department of Education, in collaboration with the Department of Health and medical professional societies, to develop and distribute health and safety best practice guidelines for the use of digital devices in public schools no later than the 2021-2022 school year. **(Passed)**

HB 1215 Biometric data; employer policy on storage, protection, and destruction; civil penalty. Establishes the parameters for the capture and safekeeping of biometric data by employers. The bill defines "biometric data" as a retina or iris scan, fingerprint, voiceprint, record of hand or face geometry, or any other means of information, regardless of how it is captured or stored, that is used to identify an individual based on biological identifiers. Once the purpose for capturing the data is complete, or after three years from the date it is last used for its initial purpose, whichever occurs first, the biometric data must be destroyed. An employer who violates the requirements of the bill is subject to a civil penalty of not more than \$25,000 for each violation. The bill also provides a right of action against employers who violate the parameters of capturing and safekeeping biometric data. **(Carried Over)**

Transportation Finance

HB 1414/SB 890 Transportation. Amends numerous laws related to transportation funds, revenue sources, construction, and safety programs. The bill adopts numerous structural changes to the transportation funding system in the Commonwealth. Most transportation revenues are directed to a new Commonwealth Transportation Fund and the existing Highway Maintenance and Operating Fund. Funds are then disbursed, based on codified formulas, to sub-funds established to meet the varying transportation needs of different modes of transportation. The existing gas tax based on a percentage of the wholesale price of gasoline and diesel fuel is converted to a cents-per-gallon tax. A rate of \$0.262 per gallon of gasoline will

be phased in over two years, and then indexed every year thereafter. The regional gas tax will be converted to a rate of \$0.076 per gallon of gasoline and will be imposed everywhere in the Commonwealth that a regional gas tax is not already imposed. Registration fees for motor vehicles will be lowered. The Department of Motor Vehicles will implement a Highway Use Fee for alternative fuel and fuel-efficient vehicles. Alternatively, a person whose vehicles are subject to this new fee may elect to instead enroll in a mileage-based user fee program to be developed by the Department. The bill also eliminates the \$5 walk-in fee for conducting certain transactions in person at the Department of Motor Vehicles and prohibits a person from being issued a citation for both an expired motor vehicle inspection sticker and faulty equipment. In Northern Virginia, the regional transportation improvement fee, used to support WMATA, is lowered to \$0.10 per \$100 for the recordation of conveyance of a deed. A new regional congestion fee is imposed at a rate of \$0.10 per \$100 for the recordation of conveyance of a deed. The regional transient occupancy tax is raised from two percent to three percent. The bill authorizes the use of transportation bonds to complete the final section of Corridor Q of the Appalachian Development Highway System and authorizes a bond issuance for improvements in the Interstate 81 and Interstate 66 corridors. The bill establishes a new Virginia Passenger Rail Authority. The bill also creates numerous new transportation safety programs, including an Interstate Operations and Enhancement Program, a Virginia Highway Safety Improvement Program, the Statewide Special Structures Program, and a Transit Incentive Program. **(Passed)**

HB 1541 Creation of the Central Virginia Transportation Authority; funding. Creates the Central Virginia Transportation Authority, comprising the counties and cities located in Planning District 15. The Authority will administer transportation funding generated through the imposition of an additional regional 0.7 percent sales and use tax and a wholesale gas tax of 7.6 cents per gallon of gasoline and 7.7 cents per gallon of diesel fuel. The gas tax rates are indexed for inflation. **(Passed)**

HB 1726/SB 1038 Hampton Roads Regional Transit Program. Creates the Hampton Roads Regional Transit Program to develop, maintain, and improve a regional network of transit routes and related infrastructure, rolling stock, and support facilities. The program is funded by an additional (i) regional grantor's tax at a rate of \$0.06 per \$100 of the consideration for the conveyance and (ii) regional transient occupancy tax at a rate of one percent of the charge for the occupancy, both imposed in localities in the Hampton Roads Transportation District. The bill also dedicates \$20 million of revenues from existing recordation taxes to funding the program. The moneys will be deposited into the Hampton Roads Regional Transit Fund, created by the bill. **(Passed)**

Transportation/Motor Vehicles

HB 874/SB 160 Holding handheld personal communications devices while driving a motor vehicle. Prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits (i) the reading of any email or text message and manually entering letters or text in such a device as a means of communicating and (ii) holding a personal communications device while driving in a work zone. The bill expands the exemptions to include handheld personal communications devices that are being held and used (a) as an amateur radio or a citizens band radio or (b) for official Department of Transportation or traffic incident management services. The bill has a delayed effective date of January 1, 2021. **(Passed)**

HB 1211/SB 34 Driver privilege cards; penalty. Authorizes the issuance of new driver privilege cards by the Department of Motor Vehicles to an applicant who (i) has reported income from Virginia sources or been claimed as a dependent on an individual tax return filed with the Commonwealth in the preceding 12 months and (ii) is not in violation of the insurance requirements for the registration of an uninsured motor vehicle. The bill provides that driver privilege cards shall confer the same privileges and shall be subject to the same provisions as driver's licenses and permits; however, driver privilege cards shall not (a) confer voting privileges, (b) permit an individual to waive any part of the driver examination, or (c) have their issuance be contingent upon the applicant's ability to produce proof of legal presence in the United States. The bill limits the release of certain information stored by the Department. The bill provides for the term "driver's license" to consistently refer to all driver's licenses, permits, driver privilege cards, and special identification cards issued by the Commonwealth or the comparable law of another jurisdiction. The bill authorizes the issuance of a limited-duration driver's license and special identification card to an applicant presenting valid documentary evidence that a federal court or federal agency having jurisdiction over immigration has authorized the applicant to be in the United States for a period of at least 30 days from the date of application. The bill authorizes the Tax Commissioner to provide to the Commissioner of the Department information sufficient to verify that an applicant for a driver privilege card or permit reported income from Virginia sources or was claimed as a dependent on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill has a delayed effective date of January 1, 2021. **(Passed)**

HB 1442 Photo speed monitoring devices; civil penalty. Authorizes state and local law-enforcement agencies to operate photo speed monitoring devices, defined in the bill, in or around school crossing zones and highway work zones for the purpose of recording images of vehicles that are traveling at speeds of at least 10 miles per hour above the posted school

crossing zone or highway work zone speed limit within such school crossing zone or highway work zone when such zone is indicated by conspicuously placed signs displaying the maximum speed limit and that such photo speed monitoring devices are used in the area. The bill provides that the operator of a vehicle shall be liable for a monetary civil penalty, not to exceed \$100, if such vehicle is found to be traveling at speeds of at least 10 miles per hour above the posted highway work zone or school crossing zone speed limit by the photo speed monitoring device. The bill provides that if the summons for a violation is issued by mail, the violation shall not be reported on the driver's operating record or to the driver's insurance agency, but if the violation is personally issued by an officer at the time of the violation, such violation shall be part of the driver's record and used for insurance purposes. The bill provides that the civil penalty will be paid to the locality in which the violation occurred if the summons is issued by a local law-enforcement officer and paid to the Literary Fund if the summons is issued by a law enforcement officer employed by the Department of State Police. **(Passed)**

HB 1196/SB 1. Suspension of driver's license for nonpayment of fines or costs. Repeals the requirement that the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs be suspended. The bill also removes a provision allowing the court to require a defendant to present a summary prepared by the Department of Motor Vehicles of the other courts in which the defendant also owes fines and costs. The bill requires the Commissioner of the Department of Motor Vehicles to return or reinstate any person's driver's license that was suspended prior to July 1, 2019, solely for nonpayment of fines or costs. Such person does not have to pay a reinstatement fee. **(Passed)**

HB 983/SB 644 Traffic incident management vehicles. Authorizes traffic incident management vehicles, defined in the bill, operated by persons who meet certain training requirements to be equipped with sirens and flashing red or red and white secondary warning lights and to be exempt from certain traffic regulations at or en route to the scene of a traffic accident or similar incident. **(Failed)**

SB 907 Transportation safety. Requires all passengers in a vehicle to wear safety belts and allows localities to lower the speed limit below 25, but not less than 15, miles per hour in business and residential districts. **(Failed)**

Firearms

HB 2/SB 70. Firearm sales; criminal history record information checks; penalty. Requires a background check for any firearm sale and directs the Department of State Police (the

Department) to establish a process for transferors to obtain such a background check from licensed firearms dealers. A person who sells a firearm to another person without obtaining the required background check is guilty of a Class 1 misdemeanor. The bill also provides that a purchaser who receives a firearm from another person without obtaining the required background check is guilty of a Class 1 misdemeanor. The bill removes the provision that makes background checks of prospective purchasers or transferees at firearms shows voluntary. The bill also provides that the Department shall have three business days to complete a background check before a firearm may be transferred. **(Passed)**

HB 9. Reporting lost or stolen firearms; civil penalty. Requires that, if a firearm is lost or stolen from a person who lawfully possessed it, such person shall report the loss or theft of the firearm to any local law-enforcement agency or the Department of State Police within 48 hours after such person discovers the loss or theft or is informed by a person with personal knowledge of the loss or theft. The bill requires the relevant law-enforcement agency to enter the report information into the National Crime Information Center. A violation is punishable by a civil penalty of not more than \$250. The bill provides that a person who, in good faith, reports the loss or theft is immune from criminal or civil liability for acts or omissions that result from the loss or theft. The immunity does not apply to a person who knowingly gives a false report. The bill does not apply to the loss or theft of an antique firearm. **(Passed)**

HB 421/SB 35. Control of firearms by localities. Authorizes any locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any building, or part thereof, owned or used by such locality for governmental purposes; (ii) any public park owned or operated by the locality; (iii) any recreation or community center facility; or (iv) any public street, road, alley, sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. Provisions limiting the authority of localities and state governmental entities to bring lawsuits against certain firearms manufacturers and others are also repealed. The bill also provides that any firearm received by the locality pursuant to a gun buy-back program shall be destroyed by the locality unless the person surrendering such firearm requests in writing that such surrendered firearm be sold. The provisions of the bill do not apply to the activities of a Senior Reserve Officers' Training Corps program operated at a public or private institution of higher education or any intercollegiate athletics program operated by a public or private institution of higher education and governed by the National Collegiate Athletic Association or any club sports team recognized by a public or private institution of higher education where the sport engaged in by such program or team involves the use of a firearm. The bill contains technical amendments. **(Passed)**

HB 674/SB 240. Firearms; removal from persons posing substantial risk; penalties. Creates a procedure by which any attorney for the Commonwealth or law-enforcement officer may apply to a general district court, circuit court, or juvenile and domestic relations district court judge or magistrate for an emergency substantial risk order to prohibit a person who poses a substantial risk of injury to himself or others from purchasing, possessing, or transporting a firearm. Upon service of an emergency substantial risk order, the person who is subject to the order shall be given the opportunity to voluntarily relinquish any firearm. An emergency substantial risk order shall expire on the fourteenth day following issuance of the order. The bill requires a court hearing in the circuit court for the jurisdiction where the order was issued within 14 days from issuance of an emergency substantial risk order to determine whether a substantial risk order should be issued. Seized firearms shall be retained by a law-enforcement agency for the duration of an emergency substantial risk order or a substantial risk order or, for a substantial risk order and with court approval, may be transferred to a third party 21 years of age or older chosen by the person from whom they were seized. The bill allows the complainant of the original warrant to file a motion for a hearing to extend the substantial risk order prior to its expiration. The court may extend the substantial risk order for a period not longer than 180 days. The bill provides that persons who are subject to a substantial risk order, until such order has been dissolved by a court, are guilty of a Class 1 misdemeanor for purchasing, possessing, or transporting a firearm; are disqualified from having a concealed handgun permit; and may not be employed by a licensed firearms dealer. The bill also provides that a person who transfers a firearm to a person he knows has been served with a warrant or who is the subject of a substantial risk order is guilty of a Class 4 felony. The bill creates a computerized substantial risk order registry for the entry of orders issued pursuant to provisions in the bill.

(Passed)

HB 812/SB 69. Purchase of handguns; limitation on handgun purchases; penalty. Prohibits any person who is not a licensed firearms dealer from purchasing more than one handgun in a 30-day period and establishes such an offense as a Class 1 misdemeanor. The bill exempts from this provision (i) persons who have been issued a certificate by the Department of State Police under certain circumstances and with an enhanced background check, (ii) law-enforcement agencies and officers, (iii) state and local correctional facilities, (iv) licensed private security companies, (v) persons who hold a valid Virginia concealed handgun permit, (vi) persons whose handgun has been stolen or irretrievably lost or who are trading in a handgun, (vii) purchases of handguns in a private sale, and (viii) purchases of antique firearms. **(Passed)**

HB 1004/SB 479. Protective orders; possession of firearms; surrender or transfer of firearms; penalty. Prohibits any person subject to a permanent protective order (i.e., a protective order with a maximum duration of two years) from knowingly possessing a firearm while the order is in effect, provided that for a period of 24 hours after being served with a protective order such

person may continue to possess such firearm for the purposes of selling or transferring it to any person who is not otherwise prohibited by law from possessing such firearm. A violation of this provision is a Class 6 felony. The bill also provides that a court shall order a person subject to a permanent protective order to (i) within 24 hours, surrender any firearm possessed by such person to a designated local law-enforcement agency or sell or transfer any firearm possessed by such person to a dealer or to any person who is not otherwise prohibited by law from possessing such firearm and (ii) certify in writing that such person does not possess any firearms or that all firearms possessed by such person have been surrendered, sold, or transferred and file such certification with the clerk of the court that entered the protective order within 48 hours after being served with a protective order. The bill provides that the willful failure of any person to certify in writing that all firearms possessed by such person have been surrendered, sold, or transferred or that such person does not possess any firearms shall constitute contempt of court. The bill provides procedures for designating a local law enforcement agency to receive and store firearms, as well as a process to return such surrendered firearms. The bill also makes it a Class 4 felony for any person to sell, barter, give, or furnish any firearm to any person he knows is prohibited from possessing or transporting a firearm who is subject to a permanent protective order. **(Passed)**