

Key Bills for Planners:

*Virginia General
Assembly 2019 Session*



American Planning Association
Virginia Chapter

Making Great Communities Happen



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Energy Efficiency

HB 1840 Business parks; pilot program to facilitate construction of electric transmission facilities.

Chief patron: Marshall

Directs the Virginia Economic Development Partnership to establish pilot programs by Dominion Energy Virginia and Appalachian Power. The pilot programs will have the purpose of promoting economic development in opportunity zones of the Commonwealth by allowing each utility to complete the construction phase of electric transmission infrastructure for up to three business parks prior to the public announcement of a prospective occupant of the business parks. Electric cooperatives may also petition the State Corporation Commission to participate in the pilot. The measure authorizes a utility to recover the costs of the transmission facility through a rate adjustment clause. The provisions of this measure expire on December 31, 2023.

HB 2008 Energy career cluster; Department of Education, et al., to establish, report.

Chief patron: Garrett

Requires the Department of Education, in consultation with representatives from pertinent industries such as renewable energy, natural gas, nuclear energy, coal, and oil, to establish an energy career cluster. The bill requires the Department of Education to base the knowledge and skill sets contained in such energy career cluster on the energy industry competency and credential models developed by the Center for Energy Workforce Development in partnership with the U.S. Department of Labor. The bill further requires the Department of Education to report to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1, 2019, on its progress toward establishing such energy career cluster. This bill is identical to [SB 1348](#) (Garrett)

HB 2292 Electric utilities; energy efficiency programs.

Chief patron: Sullivan

Provides that any determination by the State Corporation Commission that an energy efficiency program is not in the public interest shall include with its final order the work product and analysis conducted by the staff of the Commission in making that determination. The measure requires that if the Commission reduces the proposed budget for a program or portfolio of programs, its final order shall include an analysis of the impact such budget reduction has upon the cost-effectiveness of such program or portfolio of programs. An order by the Commission (i) finding that a program or portfolio of programs is not in the public interest or (ii) reducing the proposed budget for any program or portfolio of programs shall adhere to existing protocols for extraordinarily sensitive information. The measure provides that any utility petitioning the Commission for approval of one or more rate adjustment clauses for energy efficiency programs shall include a proposed budget for the design, implementation, and operation of the energy efficiency programs. The bill requires that any rate adjustment clause approved for an energy efficiency program remain in effect until the utility exhausts the approved budget for the energy efficiency program.

HB 2293 Electric utilities; stakeholder process for energy efficiency programs.

Chief patron: Sullivan

Requires the independent monitor chosen to facilitate the energy efficiency stakeholder process established for the purpose of providing input and feedback on the development of electric utilities' energy efficiency programs to convene meetings of the participants not less frequently than twice each calendar year between July 1, 2019, and July 1, 2028. The measure also requires the independent monitor's report on the status of the stakeholder process to address (i) the objectives established by the stakeholder group during this process related to programs to be proposed, (ii) recommendations related to programs to be proposed that result from the stakeholder process, and (iii) the status of those recommendations. Current law requires that an annual report be submitted by the utility and does not require that it include such information on the stakeholder process. This bill is identical to [SB 1605](#) (Ebbin).

HB 2332 Electric utilities; protection of customer data.

Chief patron: Keam

Requires the State Corporation Commission to convene and facilitate a Data Access Stakeholder group to review and consider certain elements of electric utility customer privacy considerations, including data sharing, protection of a customers' personally identifiable information, opt-in/opt-out conditions for access to customers' utility usage data by the electric utility, and notice requirements by utilities to customers regarding energy usage data being collected. The measure requires the Data Access Stakeholder group to conclude its work no later than April 1, 2020, and report its recommendations to the General Assembly.

HB 2477 Electric utilities; licensed retail suppliers.

Chief patron: Kilgore

Provides that customers of an incumbent electric utility that is required to obtain capacity for all load and expected load growth in its service area shall, if they purchase energy from a supplier licensed to sell retail electric energy within the Commonwealth, continue to pay their incumbent electric utility for the non-fuel generation capacity and transmission related costs incurred by the incumbent electric utility in order to meet such customers' capacity obligations. The measure provides that the advance written notice period applicable to such customers shall be three years. The measure requires each licensed retail supplier serving customers of Appalachian Power to file annual reports with the Commission and provides that the failure to do so constitutes grounds for suspension or revocation of its license.

HB 2547 Electric utilities; net energy metering.

Chief patron: Hugo

Establishes requirements for net energy metering by electric cooperatives effective upon the earlier of July 1, 2019, or the effective date of implementing regulations by the State Corporation Commission. Instances where the new net energy metering program's requirements differ from those of the existing program include (i) the cap on the capacity of generating facilities, which will initially be two percent of system peak for residential customers, two percent of system peak for not-for-profit and non-jurisdictional customers, and one percent of system peak for other nonresidential customers; (ii) authorizing an electric cooperative to raise these caps up to a cumulative total of seven percent of its system peak; (iii) legalizing third-party partial requirements power purchase agreements for those retail customers and non-jurisdictional customers of an electric cooperative that are exempt from federal income taxation; and (iv) establishing registration requirements for third-party partial requirements power purchase agreements, including a self-certification system under which a provider is required to affirm certain information to Commission staff, under penalty of revocation of its registration. The measure authorizes the board of directors of an electric cooperative to adjust its rates, terms, conditions, and rate schedules governing net energy metering and prohibits a cooperative after the date of such an adjustment from collecting stand-by charges. The measure authorizes an electric cooperative to adopt a new rate schedule or rider containing demand charges based upon a net energy metering customer's noncoincident peak demand and provides for alternative caps on its net energy metering program. The measure authorizes a cooperative's fixed monthly charge covering the fixed costs of owning and operating its electric distribution system as an alternative to volumetric charges associated with demand and to and to rebalance among any of the fixed monthly charge, distribution demand, and distribution energy charges. The measure authorizes an investor-owned utility participating in the pilot program for community solar development to move the Commission to make its pilot program permanent. The measure also requires Dominion Power to (a) convene a stakeholder process, using an independent facilitator, to make recommendations to the utility concerning issues related to the implementation of advanced metering technology and related investments in customer information systems; (b) submit to the Commission for approval retail rate schedules designed to offer time-varying pricing; and (c) submit to the Commission for approval an incentive program for the installation of solar equipment for customers served under time-varying retail rate schedules that have advanced-metering technology equipment.

HB 2621 Rezoning and site plan approval; decommissioning solar energy equipment, etc.

Chief patron: Ingram

Requires a locality, as part of the local legislative approval process or as a condition of approval of a site plan, to require an owner, lessee, or developer of real property to enter into a written agreement to decommission solar energy equipment, facilities, or devices upon certain terms and conditions, including right of entry by the locality and financial assurance. This bill is identical to [SB 1091](#) (Reeves)

HB 2691 Electric utilities; provision of broadband services to unserved areas.

Chief patron: O'Quinn

Requires the State Corporation Commission to establish pilot programs under which Dominion Energy and Appalachian Power may submit a proposal to provide or make available broadband capacity to non-governmental internet service providers in areas of the Commonwealth that are unserved by broadband. The costs of Dominion Power and Appalachian Power's proposals are each capped at \$60 million annually. The provision of such broadband capacity is declared to be in the public interest. The measure authorizes the utilities to recover the net costs of the pilot program from customers through a rate adjustment clause. The measure authorizes such utility to become licensed to own or lease broadband capacity equipment. The measure requires the Commission to conduct proceedings to determine whether an area is unserved by broadband.

HB 2741 Clean Energy Advisory Board; established, solar energy installation rebates.

Chief patron: Aird

Establishes the Clean Energy Advisory Board (the Board) as an advisory board in the executive branch of government for the purpose of establishing a pilot program for disbursing loans or rebates for the installation of solar energy infrastructure in low-income and moderate-income households. The bill provides that the Board shall have a total membership of 15 members, consisting of 14 nonlegislative citizen members and the Director of the Department of Mines, Minerals and Energy, who shall serve ex officio. The bill establishes the Low-to-Moderate Income Solar Loan and Rebate Fund to be used to fund loans or rebate payments to electric customers who complete solar installations or energy efficiency improvements. The bill provides that the pilot program is open to any Virginia resident whose household income is at or below 80 percent of the state median income or regional median income, whichever is greater. The bill establishes application requirements and procedures for the review and approval or denial of applications. The bill requires that each applicant document the installation of energy efficiency services to demonstrate that such services lower home energy consumption by at least 12 percent prior to the submission of an application. The bill has an expiration date of July 1, 2022.

HB 2789 Energy conservation measures; establishes, providing incentives for development of electric energy.

Chief patron: O'Quinn

Requires Dominion Power and Appalachian Power Company to seek approval for a three-year program of energy conservation measures providing incentives to low-income, elderly, and disabled individuals in an amount not less than \$25 million in the aggregate for the installation of measures that reduce residential heating and cooling costs and enhance the health and safety of residents. The measure also requires the utilities to develop a program of energy conservation measures providing incentives, open to low income, elderly and disabled individuals who also participate in the above-described incentive program, in an amount not to exceed \$25 million in the aggregate, for the installation of equipment to develop electric energy derived from sunlight. The measure provides that the utilities may provide such incentives directly to customers or to organizations that assist low income,

elderly and disabled individuals. The measure directs that in developing such incentive programs, each utility shall give consideration to low income, elderly and disabled persons residing in housing that a redevelopment and housing authority owns or controls.

HB 2792 Electric utilities; municipal net energy metering.

Chief patron: Tran

Directs the State Corporation Commission to establish a pilot program that affords the opportunity for any locality to participate in net energy metering if it is a retail customer of a certain type of investor-owned electric utility. In order to qualify for the program, the locality is required to own and operate a renewable generating facility with a generating capacity of not more than two megawatts that is located on the municipality's premises and is intended primarily to offset all or part of the locality's own electricity requirements. Under the pilot program, a municipal customer-generator that generates electricity in amounts that exceed the amount of electricity consumed by the municipal customer-generator, determined annually, to credit one or more of the municipality's target metered accounts in order that the generation energy charges on the electric bills of the target's metered accounts are reduced by the amount of excess generation kilowatt hours apportioned to the metered account multiplied by the applicable generation energy rate of the target's accounts. In Appalachian Power's service territory, metered accounts of the public school division of a locality may be target accounts. The amount of generating capacity of all generating facilities that are the subject of a pilot program are limited to (i) five megawatts if Appalachian Power is the pilot program utility, though the utility may increase the amount to up to 10 megawatts or (ii) 25 megawatts if Dominion Power is the pilot program utility. Such aggregated capacities of the generation facilities that are the subject of a pilot program constitute a portion of the existing limit of the utility's adjusted Virginia peak-load forecast of the previous year that is available to municipal customer-generators, eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators in the utility's service area. Duration of the pilot is six years. Identical to [SB 1779](#) (Ebbin)

SB 1176 State Corporation Commission; natural gas utilities, investigative reports.

Chief patron: McPike

Requires the State Corporation Commission, within 30 days following receipt of a written request, to make available for public inspection a report regarding the finalized enforcement action or investigation regarding the death or personal injury necessitating inpatient hospitalization of any person or damage to property exceeding \$50,000 resulting from a leak or other incident involving the intrastate facilities of a natural gas utility operator. The measure prohibits such a report from revealing infrastructure information regarding certain buildings, structures, or facilities; risk assessment information not provided to the public by the utility operator; certain security plans and measures; confidential or sensitive information; proprietary information; and information that would jeopardize the safety or security of any person, governmental facility, building, or structure, or private commercial office, residential, or retail building.

SB 1346 Electric cooperatives; rates.

Chief patron: Newman

Authorizes any electric cooperative to (i) if it does not hold a membership interest in a utility aggregation cooperative, petition the Commission for approval of one or more rate adjustment clauses for the timely and current recovery from customers of the costs of generation facilities, modifications to generation facilities, or pumped hydroelectricity generation and storage facilities; or (ii) adopt any other cooperative's voluntary rate, voluntary program, or voluntary tariff.

SB 1605 Electric utilities; stakeholder process for energy efficiency programs.

Chief patron: Ebbin

Requires the independent monitor chosen to facilitate the energy efficiency stakeholder process established for the purpose of providing input and feedback on the development of electric utilities' energy efficiency programs to convene meetings of the participants not less frequently than twice each calendar year between July 1, 2019, and July 1, 2028. The measure also requires the independent monitor's report on the status of the stakeholder process to address (i) the objectives established by the stakeholder group during this process related to programs to be proposed, (ii) recommendations related to programs to be proposed that result from the stakeholder process, and (iii) the status of those recommendations. Current law requires that an annual report be submitted by the utility and does not require that it include such information on the stakeholder process. This bill is identical to [HB 2293](#) (Sullivan)

SB 1662 Electric utilities; energy efficiency programs.

Chief patron: Wagner

Provides that any determination by the State Corporation Commission that an energy efficiency program is not in the public interest shall include with its final order the work product and analysis conducted by the staff of the Commission in making that determination. The measure provides that any utility petitioning the Commission for approval of one or more rate adjustment clauses for energy efficiency programs shall include a proposed budget for the design, implementation, and operation of the energy efficiency programs. The bill requires that any rate adjustment clause approved for an energy efficiency program remain in effect until the utility exhausts the approved budget for the energy efficiency program.

SB 1759 Underground electric distribution lines; placing in areas of transit-oriented development.

Chief patron: Surovell

Establishes a pilot program under which the governing body of any locality operating under the urban county executive form of government (Fairfax County) may request an electric utility to place underground electric utility distribution lines in transportation projects to serve and facilitate the creation of transit-oriented development in such locality in conjunction with a transportation infrastructure improvement project that the

Commonwealth Transportation Board identifies that reduces congestion, improves mobility, incorporates transit systems and improves safety. The measure provides that the locality and the utility shall enter into an agreement that provides that (i) the locality shall pay to the utility its full additional costs of relocating and converting that portion of the line located in the locality underground rather than overhead that are not recoverable under applicable rates, net of relocation credits, which costs shall include associated feasibility costs, or any smaller portion of such costs as the utility and the locality may agree; (ii) the locality shall impose an additional levy on electric utility customers in the locality in an amount sufficient to cover the utility's additional costs, which levy which shall not exceed \$1 per month on residential customers and shall be collected by the utility on behalf of the locality; (iii) the utility shall convert, operate, and maintain the agreed portion of the line underground; and (iv) other terms and conditions on which the parties may agree shall be included in the agreement. The measure provides that upon presentation of the agreement to the Commonwealth Transportation Board, the Commissioner of Highways shall be responsible for securing the necessary easements and permits for the pilot program. The measure provides that the pilot program terminates on July 1, 2022.

SB 1769 Electric utilities; net energy metering.

Chief patron: Sturtevant

Establishes requirements for net energy metering by electric cooperatives effective upon the earlier of July 1, 2019, or the effective date of implementing regulations by the State Corporation Commission. Instances where the new net energy metering program's requirements differ from those of the existing program include (i) the cap on the capacity of generating facilities, which will initially be two percent of system peak for residential customers, two percent of system peak for not-for-profit and nonjurisdictional customers, and one percent of system peak for other nonresidential customers; (ii) authorizing an electric cooperative to raise these caps up to a cumulative total of seven percent of its system peak; (iii) legalizing third-party partial requirements power purchase agreements for those retail customers and nonjurisdictional customers of an electric cooperative that are exempt from federal income taxation; and (iv) establishing registration requirements for third-party partial requirements power purchase agreements, including a self-certification system under which a provider is required to affirm certain information to Commission staff, under penalty of revocation of its registration. The measure authorizes the board of directors of an electric cooperative to adjust its rates, terms, conditions, and rate schedules governing net energy metering and prohibits a cooperative after the date of such an adjustment from collecting stand-by charges. The measure authorizes an electric cooperative to adopt a new rate schedule or rider containing demand charges based upon a net energy metering customer's noncoincident peak demand and provides for alternative caps on its net energy metering program. The measure authorizes a cooperative's fixed monthly charge covering the fixed costs of owning and operating its electric distribution system as an alternative to volumetric charges associated with demand and to and to rebalance among any of the fixed monthly charge, distribution demand, and distribution energy charges. The measure authorizes an investor-owned utility participating in the pilot program for community solar development to move the Commission to make its pilot program permanent. The measure also requires Dominion Power to (a) convene a stakeholder process, using an independent facilitator, to make recommendations to the

utility concerning issues related to the implementation of advanced metering technology and related investments in customer information systems; (b) submit to the Commission for approval retail rate schedules designed to offer time-varying pricing; and (c) submit to the Commission for approval an incentive program for the installation of solar equipment for customers served under time-varying retail rate schedules that have advanced-metering technology equipment.

Environment and Water Resources

HB 1614 Stormwater Management Fund, local; locality by ordinance authorized to create.
Chief patron: Cole

Authorizes a locality by ordinance to create a local Stormwater Management Fund consisting of appropriated local moneys for the purpose of granting funds to an owner of private property or a common interest community for stormwater management and erosion prevention on previously developed lands. This bill is identical to [SB 1248](#) (Reeves)

HB 1715 Dams; prohibited vegetation, certain wetland vegetation allowed.
Chief patron: Bulova

Exempts wetland vegetation growing on certain regulated impounding structures from the requirement that all vegetation be removed from such dams. The bill exempts vegetation associated with a wetland mitigation bank or in-lieu fee site that has regulatory approval and is the subject of a recorded, permanent instrument protecting the vegetation from removal. The bill allows the Department of Conservation and Recreation to require the dam owner to remove trees by flush cutting unless the Department determines on the basis of site-specific information that the grubbing of roots is necessary to protect the integrity of the dam.

HB 1779 Riparian planting ground; assignment eligibility.
Chief patron: Bloxom

Authorizes Commissioner of the Marine Resources Commission to assign to a land owner eligible to apply for riparian planting grounds only a planting ground that the Commissioner, in his discretion, deems appropriate to encompass as much as one-half acre of ground. The bill authorizes the Commissioner to consider assigning an area that the owner designates within his riparian waters and provides that the assignment shall not extend farther than the nearest edge of the channel or the middle of the body of water, whichever is the shorter distance. The bill removes provision stating that the fee for such assignment shall be \$1.50.

HB 1822 Virginia Water Quality Improvement Fund; grant for wastewater conveyance facility, etc.
Chief patron: Bulova

Authorizes the Director of the Department of Environmental Quality (the Department) to authorize grants from the Virginia Water Quality Improvement Fund (the Fund) for the

installation of certain wastewater conveyance infrastructure. Any such infrastructure shall (i) divert wastewater from one publicly owned treatment works that is eligible for grant funding to another such eligible treatment works; (ii) divert wastewater to a receiving treatment works that is capable of achieving compliance with its nutrient reduction or ammonia control discharge requirements and that results in a net reduction in total phosphorus, total nitrogen, or nitrogen-containing ammonia discharges; and (iii) result in no more expense to the Fund than would otherwise be incurred to install eligible nutrient removal technology or other treatment technology at the treatment works from which the wastewater will be diverted. The bill also directs the Department to consult with stakeholders annually to estimate the amount of grant funding that local governments will request during the upcoming year from (a) the Fund and (b) the Stormwater Local Assistance Fund and to submit those estimates to the Governor as part of a biennial funding report and an annual progress report that are required by current law. The bill contains technical amendments.

HB 1950 Retail Sales and Use Tax; exemption, nonprofits, limited liability companies.

Chief patron: Webert

Provides that, for purposes of the retail sales and use tax exemption for nonprofit organizations, the exemption is available to a single member limited liability company whose sole member is a nonprofit organization.

HB 2019 Residential real property; required disclosures of stormwater facilities.

Chief patron: Murphy

Provides that the owner of residential real property under the Virginia Residential Property Disclosure Act must include in the residential property disclosure statement provided to a potential purchaser of residential property a statement that the owner makes no representations with respect to the existence or recordation of any maintenance agreement for any stormwater detention facilities on the property, and that advises the potential purchaser to take whatever due diligence steps they deem necessary to determine the presence of any such facilities or agreements, such as contacting his settlement provider, consulting the locality in which the property is located, or reviewing any survey of the property that may have been conducted. The bill also requires the Common Interest Community Board to include notice that regular annual or special assessments paid by the owner to the association may be used for the construction or maintenance of stormwater management facilities in the form that accompanies association disclosure packets that are required to be provided to all prospective purchasers of lots located within a development that is subject to the Virginia Property Owners' Association Act and resale certificates provided to purchasers of units located in a condominium that is subject to the Condominium Act.

HB 2322 Onsite sewage treatment; VDH to develop a plan for oversight and enforcement.

Chief patron: Hodges

Directs the Department of Health to develop a plan for the oversight and enforcement by the Department of requirements related to the inspection and pump-out of onsite sewage

treatment systems that do not require a Virginia Pollutant Discharge Elimination System permit established pursuant to the Chesapeake Bay Preservation Act and are located in counties eligible for participation in the Rural Coastal Virginia Community Enhancement Authority. The bill requires the Department to present such plan to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health prior to implementing the plan.

HB 2637 Loans and grants for agricultural best management practices; riparian buffers.

Chief patron: Webert

Authorizes the State Water Control Board to issue loans and grants from the Virginia Water Facilities Revolving Fund for the construction, renovation, improvement, or equipping of facilities or structures to implement agricultural best management practices to prevent pollution of state waters. Current law authorizes the Board to only issue loans for the construction of such facilities. The bill includes among the types of facilities or structures for which a loan or grant may be issued riparian buffers planted in trees and maintained in accordance with the terms and conditions of the loan or grant.

HB 2811 Tax-exempt pollution control facilities; adds VDH as a certifying authority.

Chief patron: Webert

Adds to the duties of the Virginia Department of Health the duty of serving as a state certifying authority in determining conformity with state requirements for certain tax-exempt water pollution control projects. Under current law, the State Water Control Board is the only state certifying authority for water pollution projects. EMERGENCY

SB 1400 C-PACE loans; stormwater management, residential dwellings and condominiums.

Chief patron: Petersen

Authorizes any locality, by ordinance, to authorize contracts to provide loans for the initial acquisition and installation of stormwater management improvements with free and willing property owners of both existing properties and new construction. Current law authorizes such contracts only for clean energy improvements.

Ethics Reform

HB 1889 Virginia Conflict of Interest and Ethics Advisory Council; meetings requirement.

Chief patron: James

Requires Virginia Conflict of Interest and Ethics Advisory Council to meet upon call of the chairman or when a majority of members request a meeting. Identical to [SB 1067](#) (Howell).

SB 1430 Virginia Conflict of Interest and Ethics Advisory Council; duties.*Chief patron: Obenshain*

Requires local elected officials to take training on Conflict of Interests Act at least every 2 years. Officials in office on July 1, 2019 must complete training by December 31, 2019. The Council may provide training online.

Building Codes

HB 1725 Public school building security enhancements; compliance with Uniform Statewide Building Code, etc.*Chief patron: Knight*

Requires each school board, in consultation with the local building official and the state or local fire marshal, to develop a procurement plan to ensure that all security enhancements to public school buildings are in compliance with the Uniform Statewide Building Code and Statewide Fire Prevention Code.

HB 1966 Uniform Statewide Building Code; issuance of building permits.*Chief patron: Yancey*

Requires any fees that are levied by a local governing body in order to defray the cost of Building Code enforcement and appeals, with the exception of the levy imposed for the support of training programs of the Building Code Academy, be used only to support the functions of the local building department. The bill also requires local building departments, when denying an application for the issuance of a building permit, to provide to the applicant a written explanation detailing the reasons for which the application was denied. The bill provides that the applicant may submit a revised application addressing the reasons for which the application was previously denied and that, if the applicant does so, the local building department shall be encouraged, but not required, to limit its review of the revised application to only those portions of the application that were previously deemed inadequate and that the applicant has revised.

SB 1755 USBC and SFPC; changes to Codes for safety measures for schools.*Chief patron: Hanger*

Directs the Department of Housing and Community Development to convene stakeholders representing entities that enforce the Uniform Statewide Building Code and the Statewide Fire Prevention Code and other law-enforcement organizations to develop proposals for changes to each such code for submission to the Board of Housing and Community Development. Such proposals shall have the goal of assisting in the provision of safety and security measures for the Commonwealth's public or private elementary and secondary schools and public or private institutions of higher education for active shooter or hostile threats. The review conducted by the stakeholders shall include the examination of (i) locking devices, (ii) barricade devices, and (iii) other safety measures that may be utilized in

an active shooter or hostile threat situation that occurs in any classroom or other area where students are located for a finite period of time.

Housing

HB 1660 Landlord and tenant; landlord may obtain certain insurance for tenant, notice to tenant.

Chief patron: Delaney

Provides that if a rental agreement does not require the tenant to obtain renter's insurance, the landlord must provide a written notice to the tenant, prior to the execution of the rental agreement, stating that (i) the landlord is not responsible for the tenant's personal property, (ii) the landlord's insurance coverages do not cover the tenant's personal property, and (iii) if the tenant wishes to protect his personal property, he should obtain renter's insurance. The bill also requires such notice to inform the tenant that any such renter's insurance obtained by the tenant does not cover flood damage and advise the tenant to contact the Federal Emergency Management Agency (FEMA) or visit the websites for FEMA's National Flood Insurance Program or the Virginia Department of Conservation and Recreation's Flood Risk Information System to obtain information regarding whether the property is located in a special flood hazard area. The bill provides that any failure of the landlord to provide such notice does not affect the validity of the rental agreement.

HB 1681 Income tax credits; housing choice vouchers, eligible housing areas.

Chief patron: Jones, J.C.

Expands the definition of "eligible housing area" for purposes of the housing choice voucher tax credit, to include census tracts in the Virginia Beach-Norfolk-Newport News Metropolitan Statistical Area in which less than 10 percent of the population lives below the poverty level. Landlords who rent qualified housing units within such areas are eligible for an income tax credit. Current law only applies to such areas within the Richmond Metropolitan Statistical Area.

HB 1815 Assisted living facilities; emergency electrical power source, disclosure to prospective residents.

Chief patron: Hope

Directs the State Board of Social Services to adopt regulations that require assisted living facilities to disclose to each prospective resident, or his legal representative, in writing in a document provided to the prospective resident or his legal representative and as evidenced by the written acknowledgement of the resident or his legal representative, whether the facility has an on-site emergency electrical power source for the provision of electricity during an interruption of the normal electric power supply and, if the assisted living facility does have an on-site emergency electrical power source, (i) the items for which such on-site emergency electrical power source will supply power in the event of an interruption of the normal electric power supply and (ii) whether staff of the assisted living facility have been trained to maintain and operate such on-site emergency electrical power source to ensure

the provision of electricity during an interruption of the normal electrical power supply. The bill also provides that an on-site emergency electrical power source shall include both permanent on-site emergency electrical power sources and portable on-site emergency electrical power sources, provided such portable on-site emergency electrical power source remains on the premises of the assisted living facility at all times.

HB 1853 Virginia Property Owners' Association Act; home-based businesses.

Chief patron: Bulova

Provides that if a development is located in a locality classifying home-based child care services as an accessory or ancillary residential use under the locality's zoning ordinance, the provision of home-based child care services in a personal residence shall be deemed a residential use unless (i) expressly prohibited or restricted by the declaration or (ii) restricted by the association's bylaws or rules. The bill is a recommendation of the Virginia Housing Commission. This bill is identical to [SB 1537](#) (Surovell).

HB 1898 Va. Residential Landlord & Tenant Act.

Chief patron: Carroll Foy

Extends the amount of time that a tenant may have an unlawful detainer dismissed to two days before a writ of eviction is delivered to be executed if the tenant pays all amounts claimed on the summons in unlawful detainer to the landlord, the landlord's attorney, or the court.

HB 1923 Virginia Residential Landlord and Tenant Act; noncompliance with rental agreement, etc.

Chief patron: Bourne

Provides that a tenant is entitled to reasonable attorney fees when a tenant successfully raises as a defense the landlord's noncompliance with the rental agreement and the court enters judgment in favor of the tenant.

HB 2007 Eviction; writs of possession and eviction.

Chief patron: Aird

Changes the terminology from writ of possession to writ of eviction for the writ executed by a sheriff to recover real property pursuant to an order of possession. The bill specifies that an order of possession remains effective for 180 days after being granted by the court and clarifies that any writ of eviction not executed within 30 days of its issuance shall be vacated as a matter of law, and no further action shall be taken by the clerk. This bill is a recommendation of the Virginia Housing Commission and is identical to [SB 1448](#) (Locke).

HB 2017 Auxiliary grants; supportive housing.

Chief patron: Peace

Allows individuals receiving auxiliary grants to select supportive housing without any requirement that such individuals wait until their first or any subsequent annual

reassessment to make such selection. The bill directs the Commissioner for Aging and Rehabilitative Services to (i) promulgate regulations to implement the provisions of the bill within 180 days of its enactment and (ii) develop guidance documents for implementation of the provisions of the bill no later than February 1, 2020. The bill establishes that the number of auxiliary grant recipients in the supportive housing setting shall not exceed 60.

HB 2019 Residential real property; required disclosures of stormwater management facilities.

Chief patron: Murphy

Provides that the owner of residential real property under the Virginia Residential Property Disclosure Act must include in the residential property disclosure statement provided to a potential purchaser of residential property a statement that the owner makes no representations with respect to the existence or recordation of any maintenance agreement for any stormwater detention facilities on the property, and that advises the potential purchaser to take whatever due diligence steps they deem necessary to determine the presence of any such facilities or agreements, such as contacting his settlement provider, consulting the locality in which the property is located, or reviewing any survey of the property that may have been conducted. The bill also requires the Common Interest Community Board to include notice that regular annual or special assessments paid by the owner to the association may be used for the construction or maintenance of stormwater management facilities in the form that accompanies association disclosure packets that are required to be provided to all prospective purchasers of lots located within a development that is subject to the Virginia Property Owners' Association Act and resale certificates provided to purchasers of units located in a condominium that is subject to the Condominium Act.

HB 2030 Common interest communities; dissemination of annual budget, reserve for capital components.

Chief patron: Bulova

Requires common interest communities under the Condominium Act, the Property Owners' Association Act, and the Virginia Real Estate Cooperative Act (the Acts) to make available to members either the common interest community's annual budget or a summary of the annual budget prior to the beginning of each fiscal year. The bill requires that the five-year cash reserve study required under the Acts include a statement that outlines the amount of the reserves recommended in such study as well as the amount of current cash available for replacement of the reserves. The bill also requires the Common Interest Community Board to prepare guidelines for the development of reserve studies for capital components. This bill is identical to [SB 1538](#) (Surovell).

HB 2054 Virginia Residential Landlord and Tenant Act; rental agreement, provisions made applicable by law.

Chief patron: Carr

Requires a landlord to offer the tenant a written rental agreement containing the terms governing the rental of the dwelling unit and setting forth the terms and conditions of the

landlord tenant relationship. The bill provides that in the event a written rental agreement is not offered by the landlord, a rental tenancy shall be deemed to exist by operation of law and establishes the terms and conditions of that tenancy. This bill is a recommendation of the Virginia Housing Commission. This bill is identical to [SB 1676](#) (Stanley)

HB 2150 Real property tax; exemption for the elderly and disabled, improvements to a dwelling.

Chief patron: Ingram

Provides that, for purposes of the real property tax exemption for the elderly and disabled, certain improvements to exempt land and the land such improvements are situated on shall be included as part of the dwelling and exempt from tax. This bill is identical to [SB 1196](#) (Dance).

HB 2229 Affordable housing; waiver of fees.

Chief patron: Bagby

Provides that a locality may by ordinance provide for the waiver of building permit fees and other local fees associated with the construction, renovation, or rehabilitation of housing by a private-sector entity that is pursuing an affordable housing development. The bill provides that a locality may determine in its ordinance what constitutes affordable housing and may set other conditions on the waiver of fees as it determines appropriate.

HB 2251 Mortgage loan originators; licensing.

Chief patron: Marshall

Repeals provisions relating to the issuance of transitional mortgage loan originator licenses and replaces them with provisions granting temporary authority to act as a mortgage loan originator. The bill conforms Virginia's law with requirements in the federal Economic Growth, Regulatory Relief, and Consumer Protection Act. The measure also conforms provisions related to the expiration of mortgage loan originator pre-licensure education courses.

HB 2262 Landlord; managing agent.

Chief patron: Campbell, J.L.

Clarifies that for the purposes of signing pleadings and other papers and obtaining a judgment for possession or for rent or damages in general district court, the managing agent of a landlord may act on behalf of the business, provided that he is acting pursuant to the written property management agreement.

HB 2304 Virginia Residential Landlord and Tenant Act; landlord may obtain insurance for tenant.

Chief patron: Leftwich

Requires a landlord that has obtained renter's insurance coverage on behalf of his tenants to include, as part of the summary of the insurance policy or certificate evidencing the

coverage as currently required by law, a statement regarding whether the insurance policy contains a waiver of subrogation provision. The bill provides that any failure of the landlord to provide such summary or certificate, or to make available a copy of the insurance policy, shall not affect the validity of the rental agreement.

HB 2385 Condominium Act and Property Owners' Association Act; delivery of condominium resale certificates.

Chief patron: Bulova

Provides that a purchaser of a unit subject to the Condominium Act or a lot subject to the Property Owners' Association Act who receives a condominium resale certificate or association disclosure packet which is not in conformity with law may cancel the contract for such unit or lot (i) within three days after the date of the contract if the resale certificate or disclosure packet is received on or before the date that the purchaser signs the contract, (ii) within three days of receiving the resale certificate or disclosure packet if the resale certificate or disclosure packet is hand delivered, delivered by electronic means, or delivered by a commercial overnight delivery service or the United States Postal Service, and a receipt obtained; or (iii) within six days after the postmark date if the resale certificate or disclosure packet is sent to the purchaser by United States mail. This bill is identical to [SB 1580](#) (Suetterlein).

HB 2410 Resident agent; appointment by nonresident property owner.

Chief patron: Adams, L.R.

Limits the applicability of the requirement for a nonresident landlord to appoint a resident agent to nonresident individuals who own and lease real property in the Commonwealth. Under current law, the requirement applies to corporations, partnerships, business trusts, associations, and other legal entities. The bill also clarifies that if the resident agent appointed by the nonresident property owner is a corporation, limited liability company, partnership or other entity, it must be authorized to transact business in the Commonwealth. In addition, the bill clarifies that the specification of ownership of four or more units applies to residential property and not commercial property. The bill contains technical amendments.

HB 2647 Condominium Act; meetings of unit owners' associations, proxy voting.

Chief patron: Reid

Provides that any proxy shall be void if not signed by or on behalf of the unit owner. The bill also provides that if the unit owner is more than one person, any such unit owner may object to the proxy at or prior to a meeting of the unit owners' association, whereupon the proxy shall be deemed revoked. Under current law, the proxy of any person is void if not signed by a person having authority, at the time of the execution thereof, to execute deeds on behalf of that person.

HB 2655 Eviction Diversion Pilot Program; established, report.*Chief patron:* Collins

Establishes the Eviction Diversion Pilot Program (the Program), consisting of specialized dockets within the existing structure of the general district courts for the cities of Danville, Hampton, Petersburg, and Richmond. The Program is initially established as a pilot program that has a delayed effective date of July 1, 2020, and that expires on July 1, 2023. The purpose of the Program is to reduce the number of evictions of low-income persons. Parties to an unlawful detainer action in participating jurisdictions will be directed to participate in the Pilot Program upon certain findings by the court. The Virginia Housing Commission (the Commission) shall request data from the Executive Secretary of the Supreme Court of Virginia for the evaluation of the Program's effectiveness and potential benefits and costs. The bill tasks the Commission with making recommendations for legislative action to the General Assembly, the Chairs of the Senate Committees on Finance, General Laws and Technology, and Courts of Justice, and the Chairs of the House Committees on Appropriations, Finance, General Laws, and Courts of Justice in time for the 2023 Session. This bill is identical to [SB 1450](#) (Locke) .

HB 2694 Property Owners' Association Act; association meetings, notice by e-mail.*Chief patron:* Cole

Allows members of property owners' associations to elect to receive notice of meetings of the association by e-mail in lieu of the current requirement that such notice be sent by United States mail or hand delivered, provided that in the event that such electronic mail is returned as undeliverable, notice is subsequently sent by United States mail.

HB 2705 Historic rehabilitation; limit on tax credit that may be claimed.*Chief patron:* Bloxom

Provides that the \$5 million per year limit on the amount of historic rehabilitation tax credit that may be claimed by each taxpayer, which currently expires on January 1, 2019, shall apply to all future taxable years.

SB 1077 Assisted living facility; Board of Social Service to amend certain regulations.*Chief patron:* Howell

Requires the State Board of Social Services to amend its regulations governing emergency preparedness and response plans and temporary emergency electrical power sources of assisted living facilities to require the following: (i) any assisted living facility that is equipped with an on-site emergency generator shall (a) include in its emergency preparedness and response plan a description of the emergency generator's capacity to provide sufficient power for certain functions and (b) test such emergency generator monthly and (ii) any assisted living facility that is not equipped with an on-site emergency generator shall (a) enter into an agreement with a vendor capable of providing the assisted living facility with an emergency generator, (b) enter into at least one agreement with a backup vendor, and (c) have its temporary emergency electrical power source connection tested at the time of installation and every two years thereafter.

SB 1080 Property & Conveyances; revision of Title 55 to create Title 55.1, pertains to rental property, etc.

Chief patron: Edwards

Creates proposed Title 55.1 (Property and Conveyances) as a revision of existing Title 55 (Property and Conveyances). Proposed Title 55.1 consists of 29 chapters divided into five subtitles: Subtitle I (Property Conveyances), Subtitle II (Real Estate Settlements and Recordation), Subtitle III (Rental Conveyances), Subtitle IV (Common Interest Communities), and Subtitle V (Miscellaneous). The bill organizes the laws in a more logical manner, removes obsolete and duplicative provisions, and improves the structure and clarity of statutes pertaining to real and personal property conveyances, recordation of deeds, rental property, common interest communities, escheats, and unclaimed property. The bill has a delayed effective date of October 1, 2019, and is a recommendation of the Virginia Code Commission. (Effective date - see text)

SB 1292 Virginia Residential Property Disclosure Act; required disclosures, mineral rights.

Chief patron: Vogel

Adds to the required residential property disclosure that is furnished by the owner to a buyer (i) that the owner of residential real property makes no representations or warranties as to the condition of the real property with regard to any conveyances of mineral rights and (ii) that before purchasing residential property, a buyer should exercise due diligence in determining whether property is located in a special flood hazard area by contacting the Federal Emergency Management Agency (FEMA) or visiting the website for FEMA's National Flood Insurance Program or for the Virginia Department of Conservation and Recreation's Flood Risk Information System.

SB 1445 Va. Residential Landlord & Tenant Act.

Chief patron: Locke

Extends the amount of time that a tenant may have an unlawful detainer dismissed to two days before a writ of eviction is delivered to be executed if the tenant pays all amounts claimed on the summons in unlawful detainer to the landlord, the landlord's attorney, or the court.

SB 1756 Virginia Condominium and Virginia Property Owners' Association Acts; stormwater facilities.

Chief patron: Surovell

Requires a declarant to deliver to the president of the unit owners' association or his designated agent, or in the case of a property-owners' association, the board of directors or their designee, an inventory and description of stormwater facilities located on their premises. The bill requires the delivery of final site plans and applicable recorded easements and agreements regarding the inventory and description of stormwater management facilities located on common elements of a condominium or property owners' association property so that such associations are aware of the requirements for the maintenance, repair, or replacement of the stormwater facilities.

Elections and Redistricting

HB 1719 Campaign Finance Disclosure Act of 2006; applicability to certain candidates for town offices.

Chief patron: Hurst

Makes the provisions of the Campaign Finance Disclosure Act (the Act) applicable to any candidate for a town office in a town with a population of less than 25,000 if such candidate accepts contributions or makes expenditures in excess of \$25,000. Currently, the Act does not apply to town elections in a town with a population of less than 25,000 unless an ordinance in that town provides otherwise.

HB 1790 Absentee voting; certain absentee voters permitted to vote after close of absentee voting location.

Chief patron: Krizek

Provides that an applicant who is in line to cast his ballot when the office of the general registrar or location being used for in-person absentee voting closes shall be permitted to cast his absentee ballot that day.

HB 2760 Redistricting; GIS maps required, review by the Department of Elections.

Chief patron: Sickles

Requires the clerk of the county, city, or town to send a Geographic Information System (GIS) map, along with the ordinance containing a description of the boundaries, to the local electoral board, the Secretary of the Commonwealth, the Department of Elections, and the Division of Legislative Services when redistricting local election districts or making any changes to the local election districts or precincts. If a county, city, or town does not have GIS capabilities, the locality may request the Department of Elections to create a GIS map on its behalf and the Department of Elections shall create such a map. The bill requires the Department to review any ordinance and GIS map received and compare the boundaries contained within with the information in the voter registration system to ensure voters have been assigned to the correct districts and to notify localities of any corrections that may be necessary. The Department is further required to maintain and make available on its official website maps showing the current election district and precinct boundaries of each county and city. This bill is identical to [SB 1018](#) (Chase).

HJ 591 Constitutional amendment; reapportionment, technical adjustments permitted (first reference).

Chief patron: Cole

Gives the General Assembly the authority to make technical adjustments to legislative electoral district boundaries following the enactment of any decennial reapportionment law. Such adjustments may be made solely for the purpose of causing legislative electoral district boundaries to coincide with the boundaries of voting precincts established in the counties and cities and shall be permitted only to the extent necessary to accomplish this

purpose. Any change made shall be consistent with any criteria for legislative electoral districts adopted for the preceding decennial redistricting.

HJ 615 Constitutional amendment; Virginia Redistricting Commission (first reference).

Chief patron: Cole

Requires the establishment of independent redistricting commissions by the General Assembly and the governing bodies of each county, city, or town in which members of the governing body are elected from districts. The Virginia Independent Redistricting Commission is required to be convened for the purpose of proposing districts for the United States House of Representatives and for the Senate and House of Delegates. The Commission shall consist of twelve commissioners, four to be appointed by the Governor, four to be appointed by the Speaker of the House of Delegates, and four to be appointed by the Senate Committee on Rules. Equal representation shall be given to the two major political parties. Congressional district plans must receive an affirmative vote of eight of the twelve commissioners in order to be submitted to the General Assembly for a vote. Senate district plans must receive an affirmative vote of three of the four commissioners appointed by the Senate Committee on Rules in order to be submitted to the Senate for a vote. House of Delegates district plans must receive an affirmative vote of three of the four commissioners appointed by the Speaker of the House of Delegates in order to be submitted to the House of Delegates for a vote. Plans may not be amended by the General Assembly or the respective body and are not subject to amendment, approval, or veto by the Governor. If a plan is rejected by the General Assembly or the respective body, the Commission is required to submit a new plan for consideration and if that plan is rejected, the districts shall be established by the Supreme Court of Virginia. Congressional and legislative districts are to be established in accordance with certain criteria set out in the amendment. The independent redistricting commissions established by the governing body of each county, city, and town in which members of the governing body are elected from districts will consist of four members, with equal representation given to the political parties, and will be responsible for submitting to its governing body proposed plans for local electoral districts. A proposed plan submitted to a governing body shall, if enacted, be done so in accordance with law.

SB 1026 Absentee voting; no-excuse absentee.

Chief patron: Spruill

Allows for any registered voter to vote by absentee ballot in person beginning on the second Saturday immediately preceding any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill makes absentee voting in person available beginning on the forty-fifth day prior to the election and ending at 5:00 p.m. on the Saturday immediately preceding the election. The bill retains the current provisions for voting an absentee ballot by mail or in person prior to the second Saturday immediately preceding the election, including the application requirement and the list of statutory reasons for absentee voting. The provisions of the bill do not become effective until the November 3, 2020, general election, and the State Board of Elections is required to submit a report on the procedures and instructions it promulgates for conducting absentee voting pursuant to the provisions of the bill.

SB 1244 Voter registration; protected voter, foster parents.*Chief patron:* Reeves

Adds to the list of protected voters any person who has been approved to be a foster parent pursuant to law. Protected voters are permitted by law to provide on the application for voter registration, in addition to the voter's residence street address, a post office box address located within the Commonwealth, which would be the address included on (i) lists of registered voters and persons who voted, (ii) voter registration records made available for public inspection, and (iii) lists of absentee voter applicants.

FOIA**HB 1772 Virginia Freedom of Information Advisory Council; advisory opinions, evidence in civil proceeding.***Chief patron:* Mullin

Provides that any officer, employee, or member of a public body alleged to have willfully and knowingly violated the Virginia Freedom of Information Act who acted in good faith reliance upon an advisory opinion issued by the Virginia Freedom of Information Advisory Council may introduce such advisory opinion as evidence that the alleged violation was not made willfully and knowingly. The bill contains technical amendments. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

HB 1788 Virginia Public Records Act; implementation in local school divisions.*Chief patron:* Ransone

Requires the Public School Records Consortium and the Records Oversight Committee to confer with school boards and division superintendents and submit to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than November 1, 2019, recommendations on ways in which school boards and school board employees can better promote efficiency and cost-effectiveness in the implementation of the Virginia Public Records Act.

HB 1889 Virginia Conflict of Interest and Ethics Advisory Council; meetings requirement.*Chief patron:* James

Requires the Virginia Conflict of Interest and Ethics Advisory Council to meet upon the call of the chairman or when a majority of Council members request a meeting. Current law requires the Council to meet quarterly or upon the call of the chairman. This bill is identical to [SB 1067](#) (Howell).

HB 1964 Freedom of Information Act; Fort Monroe Authority, closed meeting exemption.*Chief patron:* Helsel

Creates an exemption from the open meeting requirements of the Virginia Freedom of Information Act for discussion or consideration by the Board of Trustees of the Fort Monroe

Authority of matters relating to specific gifts, bequests, and grants from private sources. This bill is identical to [SB 1090](#) (Locke).

SB 1101 Attorney General; representation of members of G.A. for violations of FOIA.

Chief patron: DeSteph

Allows the Office of the Attorney General to represent a member of the General Assembly in any civil matter alleging that such member in his official capacity violated the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

SB 1180 Virginia Freedom of Information Act; definition of trade secret.

Chief patron: Stuart

Defines the term "trade secret," for the purposes of the Virginia Freedom of Information Act, as meaning the same as that term is defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.). Recommendation of the Virginia Freedom of Information Advisory Council.

SB 1182 Virginia Freedom of Information Act; meetings held through electronic communication means.

Chief patron: Stuart

Clarifies that certain requirements of current law regarding participation in public meetings through electronic communication means do not apply to meetings held to address a state of emergency declared by the Governor, specifically the requirements that public bodies (i) adopt a written policy regarding participation by electronic communication, (ii) have a quorum of a public body physically assembled at a primary or central location, and (iii) make arrangements for the voice of any member participating from a remote location to be heard by all persons at the primary or central location. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

SB 1184 FOIA; applicability to sexual assault response teams, etc.

Chief patron: Stuart

Provides that the Virginia Freedom of Information Act (FOIA) shall not apply to sexual assault response teams, with the exception of records relating to (i) protocols and policies of the sexual assault response team and (ii) guidelines for the community's response established by the sexual assault response team, which the bill provides shall be public records and subject to the provisions of FOIA. The bill also provides that FOIA shall not apply to multidisciplinary child sexual abuse response teams. This bill is a recommendation of the Freedom of Information Advisory Council.

SB 1431 Virginia FOIA; training requirements for local elected officials.

Chief patron: Obenshain

Requires the Virginia Freedom of Information Advisory Council to provide, and local elected officials to complete, an online training session on the provisions of the Virginia Freedom of

Information Act. The bill requires local elected officials to complete such training at least once every two years while they are in office. The bill also eliminates the three-day notice requirement for an expedited hearing on a petition for mandamus or injunction where violations relating to the open meeting requirements of the Act are alleged. The requirement of the bill for online training for local officials has a delayed effective date of July 1, 2020.

SB 1492 FOIA; exclusions, proprietary records and trade secrets.

Chief patron: Chafin

Excludes trade secrets, financial information, and research-related information supplied to the Department of Housing and Community Development (the Department) as part of any grant application submitted to the Department pursuant to certain requirements set out in the Code or pursuant to the Virginia Growth and Opportunity Board or the Virginia Telecommunication Initiative as authorized by the appropriation act from the mandatory disclosure provisions of FOIA, if such disclosure would be harmful to the competitive position of the applicant. The bill provides that in order for such trade secrets, financial information, and research-related information to be excluded, the applicant shall (i) invoke this exclusion upon submission of the data or other materials from which disclosure is sought, (ii) identify with specificity the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary. The Department is directed to determine whether the requested exclusion from disclosure is necessary.

SB 1554 Virginia Freedom of Information Act (FOIA); violations and civil penalties.

Chief patron: Surovell

Provides that in addition to any penalties imposed under FOIA, (i) if a court finds that any officer, employee, or member of a public body failed to provide public records to a requester in accordance with the provisions of FOIA because such officer, employee, or member of a public body altered or destroyed the requested public records with the intention of avoiding the provisions of FOIA prior to the expiration of the applicable record retention period set pursuant to the Virginia Public Records Act, the court may impose upon such officer, employee, or member in his individual capacity a civil penalty of up to \$100 per record altered or destroyed and (ii) if a court finds that a member of a public body voted to certify a closed meeting and at the time of such certification such certification was not in accordance with the requirements of FOIA, the court may impose on each such member voting to certify in his individual capacity a civil penalty of \$500.

Local Authority

HB 1625 Animal care; adequate shelter, exposure to heat or cold.

Chief patron: Orrock

Provides that the definition of "adequate shelter" includes the provision of shelter that protects the animal from exposure to heat or cold. Current law requires such shelter to

protect the animal from the adverse effects of heat or cold.

HB 1626 Animal fighting; one or more tethered cocks.

Chief patron: Orrock

Provides that an animal control officer shall confiscate a tethered cock if such cock has been, is, or is intended to be used in animal fighting.

HB 1629 Virginia Public Procurement Act; request for proposals, publication.

Chief patron: Fowler

Removes the requirement for newspaper publication of Requests for Proposals for professional services.

HB 1634 Sales & Use Tax; additional local tax in Halifax County.

Chief patron: Edmunds

Authorizes Halifax County to impose an additional local sales and use tax at a rate not to exceed one percent 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 Halifax County. The bill removes the limit on the amount that Halifax County may appropriate to an incorporated town that has not complied with the provisions of its charter relating to the elections of local officials. Under current law, such amount is limited to the amount the town would have received from local sales and use tax for educational purposes if such election had been held.

HB 1648 Pedestrian crossings; Town of Ashland may provide signs at crosswalks requiring drivers to yield.

Chief patron: Fowler

Adds the Town of Ashland to the list of localities that may provide by ordinance for the installation and maintenance of highway signs at marked crosswalks requiring drivers to yield to pedestrians. A violation of such ordinance is a traffic infraction punishable by a fine of no less than \$100 or more than \$500.

HB 1649 Boundary agreement, local; locality allowed to attach to their petitions to circuit court a GIS map.

Chief patron: Fowler

Allows all localities, in adopting a voluntary boundary agreement, to attach to their petitions to the circuit court a Geographic Information System (GIS) map depicting the boundary change. Under current law, such use of a GIS map is permitted only regarding the boundaries of certain named localities. This bill is identical to [SB 1594](#) (Dunnavant).

HB 1668 Virginia Public Procurement Act; high-risk contracts, report.*Chief patron: Carr*

Requires the Department of General Services (DGS), the Virginia Information Technologies Agency (VITA), and the Office of the Attorney General, as appropriate, to review contract solicitations and contracts for any public contract with a state public body for goods, services, insurance, or construction that meets the definition of high-risk contract provided in the bill. The bill directs DGS and VITA to develop guidelines for state agencies to use when assigning staff to administer high-risk contracts and requires that such guidelines (i) provide that any staff designated as a contract administrator must have prior contract administration experience and (ii) direct an agency's chief procurement officer to communicate to such contract administrator, when he first assumes his role, his responsibilities for effectively administering the contract. Some provisions of the bill have a delayed effective date for implementation for certain high-risk contract review processes.

HB 1725 Public school building security enhancements; compliance with USBC.*Chief patron: Knight*

Requires each school board, in consultation with local building official and state or local fire marshal, to develop a procurement plan to ensure that all security enhancements to public school buildings are in compliance with the USBC and Statewide Fire Prevention Code.

HB 1731 Treasurers, local; recordkeeping.*Chief patron: Brewer*

Replaces "well-bound book" with "record" relating to local treasurers' required method of recordkeeping and clarifies that warrants include all forms of legal demand instruments.

HB 1777 Parking of certain vehicles; regulation in the Town of Cape Charles.*Chief patron: Bloxom*

Adds Cape Charles to the towns that are permitted to regulate or prohibit the parking on any public highway of watercraft, boat trailers, motor homes, and camping trailers and to regulate or prohibit the parking of commercial vehicles on any public highway in a residence district. This bill is identical to [SB 1560](#) (Lewis).

HB 1818 Parking ordinances; enforcement by counties or towns with a population of at least 40,000.*Chief patron: Delaney*

Authorizes any county or town with a population of at least 40,000 to provide by ordinance that law-enforcement officers, other uniformed employees of the locality, and uniformed personnel under contract with the locality may issue a summons or parking ticket for a violation of the locality's ordinances or regulations regarding the parking, stopping, or standing of vehicles. Current law creates such authority for any city with a population of at least 40,000.

HB 1935 Inmate workforces; eligibility for voluntary participation.

Chief patron: Collins

Clarifies eligibility for voluntary participation in an inmate workforce with the approval of and under the supervision of the sheriff or his designee.

HB 2141 Local services districts; broadband and telecommunications services.

Chief patron: Thomas

Authorizes a local governing body, with respect to a service district, to contract with a broadband service provider who will construct, maintain, and own communications facilities and equipment required to facilitate delivery of last-mile broadband services to unserved areas of the service district, provided that the locality documents that less than 10 percent of residential and commercial units within the project area are capable of receiving broadband service at the time the construction project is approved by the locality.

SB 1025 Companion animals; adequate shelter and space.

Chief patron: Spruill

Provides that in order to meet the requirement that an animal be given adequate space, a tether must be at least three times the length of the animal or 10 feet in length, whichever is greater, and not cause injury or pain, weigh more than one-tenth of the animal's body weight, or have weights or heavy objects attached to it. Current law requires that the tether be at least three times the length of the animal. The bill exempts agricultural animals from provisions of the law related to tethering. Defines "adequate shelter" to mean the provision of shelter that, during hot weather, is shaded and does not readily conduct heat and, during cold weather, has a windbreak at its entrance and provides sufficient bedding material.

SB 1044 Parking ordinances; enforcement by counties or towns of at least 40,000.

Chief patron: Black

Authorizes any county or town with a population of 40,000 to provide by ordinance that law-enforcement officers, other uniformed employees of the locality, and uniformed personnel under contract with the locality may issue a summons or parking ticket for a violation of the locality's ordinances or regulations regarding the parking, stopping, or standing of vehicles. Current law creates such authority for any city with a population of at least 40,000. The bill imposes a maximum fine of \$75 for the violation of local ordinance.

SB 1153 Virginia Public Procurement Act; job order contracting, limitations.

Chief patron: Black

Raises from \$5 million to \$6 million the maximum allowable sum of all jobs performed in a one-year contract term for job order contracts beginning on July 1, 2019. The bill also provides an exception to allow job order contracting in the case of safety improvements or traffic calming measures for individual job orders up to \$250,000, subject to the maximum annual threshold amount as established in the bill.

SB 1331 Public school buildings and facilities; modernization.*Chief patron: Stanley*

Provides that it is the legislative intent that public school buildings and facilities be designed, constructed, maintained, and operated to generate more electricity than consumed, and allows local school boards to enter into leases with private entities to achieve that goal if the school board owns or operates a school building or facility that has been properly modernized, generates energy derived from sunlight, and if the solar generating facility is properly interconnected. The bill also provides that private entities that contract with local school boards to modernize public school buildings and facilities may receive financing from the Virginia Small Business Financing Authority.

SB 1358 Primary health care facility; established for employees of localities.*Chief patron: Wagner*

Provides that any locality may establish and operate a primary care health care facility for the locality's employees and covered dependents, the services of which may include vision and dental care.

SB 1367 Dogs running at large in packs; local ordinance, civil penalty.*Chief patron: Norment*

Requires a locality that adopts an ordinance to prohibit the running at large of all or any category of dogs to exempt dogs used for hunting and requires such locality to include in such ordinance a civil penalty in an amount established by the locality not to exceed \$100 per dog for the owner or custodian of any dog found running at large in a pack. The bill requires that such civil penalties be deposited by the local treasurer in the dog and cat license fund, which is used to support animal control.

Local Revenue

HB 1655 Real property tax; exemption for disabled veterans, spouse's ability to move.*Chief patron: Miyares*

Enacts as statutory law an amendment to subdivision (a) of Section 6-A of Article X of the Constitution of Virginia that was adopted by the voters on November 6, 2018, which applies the real property tax exemption for the surviving spouse of a disabled veteran to such spouse's principal place of residence regardless of whether such spouse moves to a different residence. The provisions of the bill would apply to taxable years beginning on and after January 1, 2019. The bill makes technical corrections related to the real property tax exemptions for surviving spouses of members of the armed forces killed in action and surviving spouses of certain persons killed in the line of duty. This bill is identical to **SB 1270** (Stuart).

HB 1679 All-terrain vehicles (ATVs), mopeds, and off-road motorcycles; clarifies taxation on vehicles, etc.

Chief patron: Orrock

Clarifies the taxation of all-terrain vehicles, mopeds, and off-road motorcycles and provides that vehicles that qualify as farm equipment that is exempt from sales and use tax shall be exempt from the motor vehicle sales and use tax. The bill contains technical amendments related to the collection of the additional state sales and use tax within the Historic Triangle.

HB 1722 Remote sales & use tax collection; sufficient activity by dealers & marketplace facilitators, etc.

Chief patron: Bloxom

Directs the Department of Taxation (the Department) to require a remote seller to collect sales and use tax if the seller has more than \$100,000 in annual gross revenue from sales in Virginia or at least 200 sales transactions in Virginia and requires a marketplace facilitator, which enables marketplace sellers to sell in Virginia through its marketplace, to collect sales and use tax if its annual gross revenue from facilitated sales in Virginia exceeds \$100,000 or it facilitates at least 200 sales transactions in Virginia. The bill provides that the obligation of remote sellers and marketplace facilitators to collect sales and use tax shall not apply to transactions occurring before July 1, 2019.

The bill provides that in administering remote sales and use tax collection, the Department shall provide information to remote sellers to allow them to identify state and local tax rates and exemptions. For auditing purposes, the Department is directed to allow a remote seller to complete a single audit covering all localities. The bill requires the Department to give remote sellers at least 30 days' notice of any change in tax rate.

The bill provides that if a remote seller or marketplace facilitator collects an incorrect amount of tax, it shall be relieved of liability for failure to collect the correct amount if the error is the result of its reliance on information provided by Virginia. The bill also relieves a marketplace facilitator of liability if it collects an incorrect amount of tax based on certain incorrect information provided by a seller or purchaser.

The bill repeals several contingent provisions of previous related bills that would take effect if the United States Congress enacted legislation related to remote sales and use tax collection. The bill contains technical corrections. This bill is identical to [SB 1083](#) (Ruff).

HB 1838 Virginia Regional Industrial Facilities Act; revenue sharing, composite index.

Chief patron: Marshall

Requires the Department of Taxation's calculation of true values as applied to the Commonwealth's composite index of local ability-to-pay to take into account an arrangement by localities entered into pursuant to the Virginia Regional Industrial Facilities Act whereby a portion of tax revenue is initially paid to one locality and redistributed to another locality. The bill requires such calculation to properly apportion the percentage of tax revenue ultimately received by each locality. The bill has a delayed effective date of July 1, 2021.

HB 1937 Real property tax; exemptions for elderly and handicapped, computation of income limitation.

Chief patron: Krizek

Provides that, if a locality has established a real estate tax exemption for the elderly and handicapped and enacted an income limitation related to the exemption, the locality may exclude, for purposes of the limitation, any disability income received by a family member or nonrelative who lives in the dwelling and who is permanently and totally disabled.

HB 2555 Gas severance tax, local; extends sunset provision.

Chief patron: Pillon

Extends the sunset date from January 1, 2020, to January 1, 2022, for the local gas severance tax that is dedicated to (i) the local Coal and Gas Road Improvement Fund, (ii) the Virginia Coalfield Economic Development Fund, and (iii) water, sewer, and natural gas systems and lines. This bill is identical to [SB 1165](#) (Chafin)

State Revenue

HB 2705 Historic rehabilitation; limit on tax credit that may be claimed.

Chief patron: Bloxom

Provides that the \$5 million per year limit on the amount of historic rehabilitation tax credit that may be claimed by each taxpayer, which currently expires on January 1, 2019, shall apply to all future taxable years.

Land Conservation

HB 1816 Land preservation tax credit; extends allowable time to claim credit.

Chief patron: Fariss

Extends the amount of time a taxpayer is allowed to claim the land preservation tax credit to either (i) December 31 of the second year following the calendar year of the eligible conveyance if the conveyance was made on or after January 1, 2020 or (ii) December 31 of the third year following the calendar year of the eligible conveyance if the conveyance was made before January 1, 2020. Under current law, the credit must be claimed by December 31 of the first year following the calendar year of the conveyance.

Land Use and Growth Management

HB 1698 Zoning Appeals, Board of; written order, certified mail.

Chief patron: Fariss

Authorizes a locality to send a zoning administrator's appeal order using certified mail. Current law allows such an order to be sent only by registered mail.

HB 1853 Virginia Property Owners' Association Act; home-based businesses.

Chief patron: Bulova

Provides that if a development is located in a locality classifying home-based child care services as an accessory or ancillary residential use under the locality's zoning ordinance, the provision of home-based child care services in a personal residence shall be deemed a residential use unless (i) expressly prohibited or restricted by the declaration or (ii) restricted by the association's bylaws or rules. The bill is a recommendation of the Virginia Housing Commission. This bill is identical to [SB 1537](#) (Surovell).

HB 1913 Subdivision ordinance; sidewalks.

Chief patron: Bulova

Allows any locality to include provisions in its subdivision ordinance requiring that where a lot being subdivided or developed fronts on an existing street and the provision of a sidewalk the need for which is substantially generated and reasonably required by the proposed development and is in accordance with the locality's adopted comprehensive plan, the locality may require the dedication of land for, and construction of, a sidewalk on the property being subdivided or developed.

HB 2139 Transfer of development rights; specified sending and receiving areas.

Chief patron: Thomas

Authorizes a locality to designate receiving areas or receiving properties that shall receive development rights only from certain sending areas or sending properties specified by the locality. The bill also authorizes a locality to provide for areas defined similarly to urban development areas in the ordinance relating to the transfer of development rights. Current law only authorizes inclusion of urban development areas.

HB 2342 Conditional rezoning proffers; extensive changes to conditional zoning provisions.

Chief patron: Thomas

Makes extensive changes to conditional zoning provisions first enacted in 2016. Specific amendments include the addition of provisions stating that no local governing body shall require any unreasonable proffer, as described in current law. Under current law, no locality may request or accept any unreasonable proffer. Other changes (i) allow an applicant to submit any onsite or offsite proffer that the applicant deems reasonable and appropriate, as conclusively evidenced by the signed proffers, and (ii) state that nothing in the bill shall be

deemed or interpreted to prohibit communications between an applicant or owner and the locality or to prohibit presentation, analysis, or discussion of the potential impacts of new residential development or other new residential use on the locality's public facilities. The provisions of the bill are effective as to any application for a rezoning filed on or after July 1, 2019, or for a proffer condition amendment amending a rezoning that was filed on or after July 1, 2019, or to certain other pending applications. The bill also provides that an applicant with a pending rezoning application for a rezoning or proffer condition amendment that was filed prior to July 1, 2016, may continue to proceed under the law as it existed prior to that date, and an applicant with a pending rezoning application filed on or after July 1, 2016, but before July 1, 2019, or proffer condition amendment application amending a rezoning for which the application was filed on or after July 1, 2016, but before July 1, 2019, may continue to proceed under the law as it existed during that period. Identical to [SB 1373](#) (Favola).

HB 2621 Rezoning and site plan approval; decommissioning solar energy equipment, etc.

Chief patron: Ingram

Requires a locality, as part of the local legislative approval process or as a condition of approval of a site plan, to require an owner, lessee, or developer of real property to enter into a written agreement to decommission solar energy equipment, facilities, or devices upon certain terms and conditions, including right of entry by the locality and financial assurance. This bill is identical to [SB 1091](#) (Reeves).

HB 2637 Loans and grants for agricultural best management practices; riparian buffers.

Chief patron: Webert

Authorizes the State Water Control Board to issue loans and grants from the Virginia Water Facilities Revolving Fund for the construction, renovation, improvement, or equipping of facilities or structures to implement agricultural best management practices to prevent pollution of state waters. Current law authorizes the Board to only issue loans for the construction of such facilities. The bill includes among the types of facilities or structures for which a loan or grant may be issued riparian buffers planted in trees and maintained in accordance with the terms and conditions of the loan or grant.

SB 208 Impact fees; residential development.

Chief patron: Stuart

Repeals provisions that limit existing impact fee authority to (i) localities that have established an urban transportation service district and (ii) areas outside of such service districts that are zoned for agricultural use and that are being subdivided for by-right residential development. The effect of the repeal will be to make the existing impact fee provisions available for use by any locality that includes within its comprehensive plan a calculation of the capital costs of public facilities necessary to serve residential uses.

Passed by indefinitely in Local Government with letter – referred to Virginia Housing Commission with report due December 1.

SB 944 Cash proffers; impact fees.*Chief patron:* Stuart

Removes various provisions granting localities authority to accept cash proffers as part of the conditional rezoning process. The bill repeals provisions that limit existing impact fee authority to (i) localities that have established an urban transportation service district and (ii) areas outside of such service districts that are zoned for agricultural use and that are being subdivided for by-right residential development. The effect of the repeal will be to make the existing impact fee provisions available for use by any locality that includes within its comprehensive plan a calculation of the capital costs of public facilities necessary to serve residential uses.

Passed by indefinitely in Local Government with letter – referred to Virginia Housing Commission with report due December 1.

SB 1663 Subdivision ordinance; sidewalks.*Chief patron:* Barker

Allows any locality to include provisions in its subdivision ordinance requiring that where a lot being subdivided or developed fronts on an existing street and the provision of a sidewalk, the need for which is substantially generated and reasonably required by the proposed development and, is in accordance with the locality's adopted comprehensive plan, the locality may require the dedication of land for, and construction of, a sidewalk on the property being subdivided or developed.

Transportation Funding - Roads

HB 2489 Suspension of tolls; evacuations.*Chief patron:* Jones, J.C.

Requires the Commissioner of Highways to temporarily suspend toll collection operations in affected evacuation zones on routes designated as mass evacuation routes during any mandatory evacuation during a state of emergency. Current law authorizes the Commissioner, in his discretion, to temporarily suspend toll collection operations in cases of emergency and concern for public safety.

HB 2527 Tolling; prohibited in Northern Virginia.*Chief patron:* Hugo

Prohibits the imposition and collection of tolls on any primary highway that is wholly located in Planning District 8 and that was previously classified as a secondary highway and is between 30 and 35 miles in length without prior approval by the General Assembly.

HB 2718 Interstate 81; Interstate 81 Corridor Improvement Fund created.

Chief patron: Landes

Creates an Interstate 81 Committee, tasked with developing and updating a program related to Interstate 81 Corridor safety and improvements, and creates an Interstate 81 Corridor Improvement Fund (Fund). The bill provide revenues for the Fund through the creation of a new registration fee, a diesel tax, a regional gas tax, and a roads tax. The new registration fee would apply to non-passenger vehicles weighing over 10,000 pounds. Additionally, private and for-hire nonpassenger vehicles would pay the existing registration fee at the rate currently paid by for-hire vehicles. Beginning July 1, 2021, a tax at the rate of 2.03 percent of the statewide average wholesale price of a gallon of diesel fuel would be imposed statewide on the sale of diesel fuel. A regional gas tax, like the tax imposed in the Northern Virginia and Hampton Roads regions, would be applied to the sale of gasoline and diesel at a rate of 2.1 percent of the statewide average price of a gallon of gasoline and diesel fuels. The existing roads tax, currently \$0.035 per gallon of fuel, would be determined annually by the Commissioner by multiplying the average fuel economy (defined in the amendment as the total taxable miles driven in the Commonwealth divided by the total taxable gallons of fuel consumed in the Commonwealth, as reported on International Fuel Tax Agreement Returns) by \$0.01125 for fiscal year 2020, and by \$0.0225 for fiscal year 2021 and each year thereafter. All of the revenues generated by the regional gas tax would be deposited in the Fund. The other new revenues would be apportioned among the Fund, the Northern Virginia Transportation Authority Fund, and Commonwealth Transportation Board for use in other interstate corridors based upon total vehicle miles driven by vehicles classified as Class 6 or higher on Interstate 81, interstates within the boundaries of Planning District 8, and other interstate corridors, respectively, as compared with total vehicle miles driven on interstates in the Commonwealth by vehicles classified as Class 6 or higher. This bill is identical to [SB 1716](#) (Obenshain).

HJ 581 Interstate 95 Corridor Improvement Plan; Commonwealth Transportation Board to study.

Chief patron: Cole

Requests the Commonwealth Transportation Board to study the portion of the Interstate 95 corridor between Exit 118 and the Springfield Interchange, financing options for improvements to the corridor, and the effect that enhanced transit service would have on mitigating traffic along the corridor.

SB 1183 Toll facilities, certain; free use by emergency medical services vehicles.

Chief patron: Stuart

Specifies that for the operator of an emergency medical services vehicle to qualify for a toll pass that allows free use of certain toll bridges, toll roads, and other toll facilities in the Commonwealth while in the performance of his official duties, the vehicle must (i) hold a valid emergency medical services vehicle permit issued by the Office of Emergency Medical Services and (ii) be equipped, maintained, or operated to provide emergency medical care or transportation of patients who are sick, injured, wounded, or otherwise incapacitated or helpless. Current law requires that an emergency medical services vehicle be owned by a

political subdivision of the Commonwealth or a nonprofit association or corporation to qualify for such a toll pass.

SB 1749 Robert O. Norris Bridge and Statewide Special Structure Fund; created.

Chief patron: McDougle

Establishes the Robert O. Norris Bridge and Statewide Special Structure Fund to be used for the purpose of funding maintenance and replacement of large and unique structures. The bill also requires the Commonwealth Transportation Board to (i) undertake a comprehensive review of the current and future condition of pavements and bridges in the Commonwealth; (ii) dedicate a portion of certain funds to the Robert O. Norris Bridge and Statewide Special Structure Fund; and (iii) evaluate the feasibility of using the Public-Private Transportation Act of 1995 to design, build, operate, and maintain two bridges to replace the Robert O. Norris Bridge on State Route 3 and the Downing Bridge on U.S. Route 360.

Transportation Funding – Transit

HB 1983 Rail Enhancement Fund; matching funds.

Chief patron: Stolle

Provides that federal funds for freight rail projects may be used to satisfy the requirement that a project funded by the Rail Enhancement Fund include at least 30% matching funds from a private source. Under current law, the matching funds requirement may be met using funds from private businesses, railroads, regional authorities, and local governments.

HB 2553 Mass transit providers; supplemental operating funds.

Chief patron: Thomas

Provides that any mass transit provider that receives funds from the Commonwealth Mass Transit Fund and incurs a loss in operating funds as a direct result of the performance-based allocation process set forth in Chapter 854 of the Acts of Assembly of 2018 shall be eligible for supplemental funds. Total supplemental funds available shall not exceed \$3 million.

SB 1680 Mass transit providers; loss of certain operating funds.

Chief patron: Mason

Provides that any mass transit provider that incurs a loss in operating funds as a direct result of the performance-based allocation process set forth in Chapter 854 of the Acts of Assembly of 2018 may be eligible for supplemental operating funds in fiscal year 2020. The maximum amount of supplemental operating funds shall not exceed \$3 million from the nongeneral fund amounts available to the Department of Rail and Public Transportation.

Transportation Policy

HB 1636 Unmanned aircraft system; trespass, military airfield, penalty.

Chief patron: Knight

Provides that any person who knowingly and intentionally causes an unmanned aircraft system to take off or land in violation of current Federal Aviation Administration Special Security Instructions or UAS Security Sensitive Airspace Restrictions is guilty of a Class 1 misdemeanor.

HB 1662 Child restraint devices and safety belts; exempts emergency and law-enforcement vehicles.

Chief patron: Head

Exempts the operators of emergency medical services agency vehicles, fire company vehicles, fire department vehicles, and law-enforcement agency vehicles during the performance of their official duties from (i) the requirement that certain minors be secured with a safety belt and (ii) the requirement that minors under the age of eight be secured in a child restraint device, provided that exigent circumstances exist and no child restraint device is readily available. This bill is identical to [SB 1677](#) (Suetterlein).

HB 1664 Out-of-state conviction of drug offenses; petition for restricted driver's license.

Chief patron: Jones, J.C.

Provides that a person convicted of a drug offense in another state may petition the general district court of the county or city in which he resides for a restricted driver's license allowing the petitioner to operate a motor vehicle in the Commonwealth on a restricted basis, provided that no such restricted license shall permit the petitioner to operate a commercial vehicle. This bill is identical to [SB 1181](#) (Stuart).

HB 1677 Motor vehicles, certain; expands mileage for driving distance for testing, etc.

Chief patron: Delaney

Expands from five miles to 10 miles the distance (i) from the place of business that an individual is permitted to drive a vehicle equipped with a license plate designed for persons engaged in the business of delivering unladen motor vehicles to test the installation, service, or repair of equipment on or in such vehicle and (ii) from an auto auction that a prospective purchaser of a motor vehicle, trailer, or semitrailer may operate such vehicle without a safety inspection prior to purchase.

HB 1678 Golf carts and utility vehicles; adds Town of Dendron.

Chief patron: Tyler

Adds the Town of Dendron to the list of towns that may authorize the operation of golf carts and utility vehicles on designated public highways despite not having established their own police departments.

HB 1679 ATVs, mopeds, and off-road motorcycles; clarifies taxation on vehicles, etc.

Chief patron: Orrock

Clarifies the taxation of all-terrain vehicles, mopeds, and off-road motorcycles and provides that vehicles that qualify as farm equipment that is exempt from sales and use tax shall be exempt from the motor vehicle sales and use tax. Contains technical amendments related to the collection of the additional state sales and use tax within the Historic Triangle.

HB 1709 License plates, special; issuance for supporters of Va. State Parks.

Chief patron: Bulova

Authorizes the issuance of revenue-sharing special license plates for supporters of Virginia State Parks bearing the legend VIRGINIA STATE PARKS.

HB 1711 Motor vehicle registration, licensing, and certificates of title reorganization.

Chief patron: Herring

Moves the criminal offenses related to registration, licensing, and certificates of title included within § 46.2-613 to § 46.2-612. The bill reorganizes these statutes so that § 46.2-612 contains only criminal offenses and § 46.2-613 contains only traffic infractions. Removes the authority of the court to dismiss a summons for a criminal offense related to the registration, licensing, and certificates of title when proof of compliance with the law is provided to the court on or before the court date. The bill otherwise retains the elements of and penalties for the offenses and infractions. This bill is a recommendation of the Committee on District Courts and is identical to [SB 1382](#) (McDougle).

HB 1712 Vehicle registration; dismissal of summons for expiration, proof of compliance.

Chief patron: Herring

Authorizes courts to dismiss a summons issued for expiration of vehicle registration if the defendant provides to the court proof of compliance with the law on or before the court date. This bill is a recommendation of the Committee on District Courts. This bill is identical to [SB 1383](#) (McDougle).

HB 1768 Certificate of title; vehicle used as a taxicab.

Chief patron: Yancey

Removes the requirement that the owner of a vehicle that has been used as a taxicab attach a statement to that effect to the certificate of title of the vehicle prior to the sale, transfer, or disposal of such vehicle. The bill also removes the requirement that the DMV place an indicator on any new certificate of title for the vehicle indicating such prior use.

HB 1832 License plates, special; Navy and Marine Corps Medal.

Chief patron: Leftwich

Creates a special license plate for persons awarded the Navy and Marine Corps Medal or for unremarried surviving spouses of such persons.

HB 1867 Motor vehicle insurance; compliance verification by DMV.

Chief patron: Kilgore

Requires motor vehicle insurance companies to report all required insurance information to the Department of Motor Vehicles (DMV) within 30 days of a policy change and to respond to all DMV requests for acknowledgment by confirming or denying the existence of an insurance policy within 15 days of receiving the request. The measure requires such insurers to report all necessary insurance information to the DMV electronically. The measure updates the types of policy updates and necessary data fields required to operate DMV's insurance verification process. The measure requires DMV to initiate the insurance verification process following receipt of a report that it processed an uninsured motorist claim involving an uninsured motor vehicle registered in Virginia. The measure provides that if a customer opts to surrender his license plates to DMV online or by telephone, he is not entitled to a partial refund of the cost of registration fees. The measure authorizes the DMV to dispense with a customer's suspension if a customer provides evidence that he was in compliance with Virginia's insurance laws. The measure renames the fee charged after a violation of Virginia's insurance laws from the uninsured motor vehicle fee to the noncompliance fee, increases the fee from \$500 to \$600, and directs the additional revenue to the DMV's special fund to be used for enhancements to DMV's insurance verification program. The measure also amends Virginia's installment payment program to (i) allow out-of-state individuals to apply for an installment payment plan; (ii) allow a customer to enter into a second installment payment plan after defaulting on the first plan; and (iii) authorize the Commissioner to extend an installment payment due date by up to 30 days when events outside of DMV's control adversely affect its ability to accept payment. An enactment clause requires DMV to report in 2024 to the General Assembly on the effectiveness of this measure in improving the insurance verification program. An enactment clause postpones the effective date of the provisions that require electronic filing of insurance information and update the types of data required to be provided by insurers. This bill is identical to [SB 1787](#) (effective - see bill) (Newman)

HB 1883 Motor vehicle insurance policies; foster parents and foster children.

Chief patron: Keam

Prohibits an insurer from refusing to issue or failing to renew a motor vehicle insurance policy solely because of the status of the applicant or policyholder, as applicable, as a foster care provider or a person in foster care.

HB 1911 Duties of drivers approaching stationary vehicles displaying certain warning lights; penalty.

Chief patron: Peace

Makes a driver's failure to move into a nonadjacent lane on a highway with at least four lanes when approaching a stationary vehicle displaying flashing, blinking, or alternating blue, red, or amber lights, or, if changing lanes would be unreasonable or unsafe, to proceed with due caution and maintain a safe speed, reckless driving, which is punishable as a Class 1 misdemeanor. Under current law, a first offense is a traffic infraction punishable by a fine of not more than \$250, and a second such offense is punishable as a Class 1 misdemeanor.

HB 1934 Electric vehicle charging stations; operation by certain state agencies.*Chief patron:* Bulova

Authorizes the Department of General Services, Department of Motor Vehicles, and Department of Transportation to locate and operate a retail fee-based electric vehicle charging station on property the agency controls if the electric vehicle charging services are offered at prevailing market rates, as defined in the bill. The bill exempts such agencies from being considered a public utility solely because of the sale of electric vehicle charging service or the ownership or operation of an electric vehicle charging station and further exempts such service from constituting the retail sale of electricity. Currently, such provisions are applicable only to the Department of Conservation and Recreation (DCR) when operating a retail fee-based electric vehicle charging station on property of any existing state park or similar recreational facility the DCR controls.

HB 1974 Motor vehicle rental tax; filing returns.*Chief patron:* Bell, Robert B.

Removes the requirement that the rentor of a motor vehicle file a monthly motor vehicle rental tax return with the Tax Commissioner even though the dealer is not liable to remit any tax for the period covered by the return.

HB 2011 License plates, special; MOVE OVER.*Chief patron:* Peace

Authorizes the issuance of revenue-sharing special license plates for supporters of Virginia's Move Over law bearing the legend MOVE OVER. The plates are being issued in memory of Lt. Bradford T. Clark.

HB 2033 Turns into or out of certain residential areas; resident permits.*Chief patron:* Murphy

Allows counties that operate under the urban county executive form of government (Fairfax County) by ordinance to develop a program to issue permits or stickers to residents of a designated area that will allow such residents to make turns into or out of the designated area during certain times of day where such turns would otherwise be restricted.

HB 2212 Certain private roads or rights-of-way; gates and fences.*Chief patron:* Fariss

Removes the requirement that a petitioner prove that a gate was willfully and maliciously erected in order for a court to require a landowner to make necessary and reasonable changes to a gate erected by such landowner across a private road or right-of-way owned by another person. The bill clarifies that this does not prohibit the replacement of a gate with a cattle guard as authorized by current law.

HB 2313 Comprehensive highway access management standards; highway access projects.

Chief patron: Hodges

Requires the Commissioner of Highways to require any official who approves a highway access project to certify such project's consistency with the comprehensive highway access management standards and such official's due diligence in reviewing the project. The bill also identifies a process in regulations for appealing the denial, revocation, or conditions of a permit for a highway access project.

HB 2344 Motor Vehicles, Department of; records released to certain private vendors.

Chief patron: Carrico (Bell, Robert)

Requires the Department of Motor Vehicles to release certain vehicle owner data, upon request, to a private vendor operating a video-monitoring system on or in a school bus. The bill limits how such data can be used and stored and provides that any person who unlawfully discloses such data is subject to a civil penalty of \$1,000 for each disclosure. The bill provides that drivers required to stop for a stopped school bus shall remain stopped until the school bus is put in motion. This bill is identical to [SB 1520](#) (Carrico)

HB 2487 Motor vehicle dealers; definitions.

Chief patron: Garrett

Provides that offering to sell, selling, displaying, or permitting the display for sale of five or more vehicles within any 12 consecutive months creates a rebuttable presumption that a person is a motor vehicle dealer. Current law defines such person as a motor vehicle dealer. The bill provides for new trailers to be treated similarly to new motor vehicles in various provisions. The bill adds manufacturers or distributors selling new motor vehicles at wholesale to their franchised dealer or used motor vehicles to a licensed dealer, as well as persons dealing fire-fighting vehicles and ambulances, to a list of parties exempted from the definition of motor vehicle dealer.

HB 2514 Motor vehicle safety inspections; increases maximum charge from \$16 to \$20.

Chief patron: Hugo

Increases the maximum charge for a state safety inspection for a motor vehicle from \$16 to \$20 and increases the amount transmitted to the State Police from \$0.50 to \$0.70.

HB 2674 Certificates; notice of filing or recordation.

Chief patron: Freitas

Clarifies that the Commissioner of Highways will give notice to the owner of a freehold that any certificate will be filed or recorded. Current law references only certificates of deposit. This bill is identical to [SB 1700](#) (Suetterlein).

HB 2752 Motorized skateboards or scooters; clarifies definition, local authority.

Chief patron: Pillion

Authorizes localities to regulate the operation of companies providing motorized skateboards or scooters for hire. The bill changes the definition of motorized skateboard or scooter by (i) removing the requirement that such device have no seat and requiring that the device be designed to allow a person to stand or sit, (ii) removing the maximum power limits for such device and providing that the device may be powered in whole or in part by an electric motor, (iii) providing that the device has a speed of no more than 20 miles per hour, and (iv) providing that such device weighs less than 100 pounds. The bill makes consistent the operational requirements for motorized skateboards or scooters and similar devices, including (a) allowing motorized skateboards and scooters to be driven on sidewalks, (b) requiring motorized skateboards and scooters driven on a roadway to be driven as close to the right curb as is safe ly practicable, (c) prohibiting the operation of motorized skateboards or scooters on any Interstate Highway System component, and (d) requiring operators of motorized skateboards and scooters to give hand signals and have lights on such device. The bill prohibits operating a motorized skateboard or scooter at a speed faster than 20 miles per hour. Certain provisions of this bill have a delayed effective date of January 1, 2020.

HB 2784 Robert O. Norris Bridge and Statewide Special Structure Fund; created.

Chief patron: Hodges

Establishes the Robert O. Norris Bridge and Statewide Special Structure Fund to be used for the purpose of funding maintenance and replacement of large and unique structures. The bill also requires the Commonwealth Transportation Board to (i) undertake a comprehensive review of the current and future condition of pavements and bridges in the Commonwealth; (ii) dedicate a portion of certain funds to the Robert O. Norris Bridge and Statewide Special Structure Fund; and (iii) evaluate the feasibility of using the Public-Private Transportation Act of 1995 to design, build, operate, and maintain two bridges to replace the Robert O. Norris Bridge on State Route 3 and the Downing Bridge on U.S. Route 360.

HB 2800 Highways, Commissioner of; report on operation of overweight trucks on highways.

Chief patron: Garrett

Requires the Commissioner of Highways to report annually by December 1 to the Governor, the General Assembly, and the Commonwealth Transportation Board regarding overweight trucks. The bill expires on January 1, 2021. This bill is identical to [SB 1775](#) (Carrico).

SB 1044 Parking ordinances; enforcement by counties or towns with a population of at least 40,000.

Chief patron: Black

Authorizes any county or town with a population of at least 40,000 to provide by ordinance that law-enforcement officers, other uniformed employees of the locality, and uniformed personnel under contract with the locality may issue a summons or parking ticket for a

violation of the locality's ordinances or regulations regarding the parking, stopping, or standing of vehicles. Current law creates such authority for any city with a population of at least 40,000. The bill imposes a maximum fine of \$75 for the violation of such local ordinance.

SB 1073 Motor vehicles; removal from roadway when involved in an accident on HOT lane on I-66.

Chief patron: Marsden

Requires the driver of a motor vehicle involved in an accident on a high occupancy toll (HOT) lane that is under construction on Interstate 66 to move such motor vehicle to the nearest pull-off area if the driver can safely do so, the vehicle is movable, and there are no injuries or deaths resulting from the accident. The bill provides that such requirement will expire upon the certification by the Secretary of Transportation that the HOT lane construction on Interstate 66 is complete.

SB 1468 Northern Virginia Transportation Authority; analysis of projects.

Chief patron: Black

Shifts responsibility from the Department of Transportation to the Northern Virginia Transportation Authority for the evaluation and rating of significant transportation projects in and near Planning District 8. The bill also adds administrative and operating expenses to those expenses that can be paid by the Northern Virginia Transportation Authority Fund. Current law provides that administrative expenses be allocated to the component counties and cities of the Authority.

SB 1505 Highways, bridges, interchanges, and other transportation facilities; naming, cost of signage.

Chief patron: Carrico

Provides that for highways, bridges, interchanges, and other transportation facilities named after a state official killed during the performance of his official duties, including State Police officers and state highway transportation workers, the costs of producing, placing, and maintaining naming signage shall be paid for from Commonwealth Transportation Funds. The bill requires that such a naming be requested by the head of the state agency by which the state official was employed. Current law requires the locality in which the highway, bridge, interchange, or other transportation facility is located to pay such costs and request such naming.

SB 1521 Handheld photo speed monitoring devices; DSP may operate in or around a highway work zone.

Chief patron: Carrico

Provides that the Department of State Police may operate a handheld photo speed monitoring device, defined in the bill, in or around a highway work zone for the purpose of recording images of vehicles that are traveling at speeds of at least 12 miles per hour above the posted highway work zone speed limit within such highway work zone when (i) workers

are present and (ii) such highway work zone is indicated by appropriately placed signs displaying the maximum speed limit and the use of such handheld automated speed monitoring device. The bill also provides that the operator of a vehicle shall be liable for a monetary civil penalty, not to exceed \$125, if such vehicle is found to be traveling at speeds of at least 12 miles per hour above the posted highway work zone speed limit by the handheld photo monitoring device.

SB 1560 Parking of certain vehicles; regulation in the Town of Cape Charles.

Chief patron: Lewis

Adds Cape Charles to the towns that are permitted to regulate or prohibit the parking on any public highway of watercraft, boat trailers, motor homes, and camping trailers and to regulate or prohibit the parking of commercial vehicles on any public highway in a residence district. This bill is identical to HB 1777.

SB 1600 Motor fuels; labeling.

Chief patron: Dance

Requires every dispensing device used in the retail sale of motor fuel to identify the motor fuel and be labeled in accordance with a publication of the National Institute of Standards and Technology. The measure authorizes the Board of Agriculture and Consumer Services to amend or reject such identification or labeling requirements. Existing provisions regarding the labeling of motor fuel dispensing devices are removed.

SB 1684 Secondary state highways; six-year plan, public meeting.

Chief patron: Petersen

Limits the requirement that a governing body with a six-year plan for improving the secondary highway system hold a public meeting regarding such plan to only those years in which the county has a proposed new funding allocation greater than \$100,000.

SB 1768 Handheld personal communications devices; use of devices in highway work zones, penalty.

Chief patron: Mason

Prohibits any person from holding a handheld personal communications device while driving a motor vehicle in a highway work zone, with certain exceptions. The bill provides that a violation is a Class 1 misdemeanor. Current law prohibits only the reading of an email or text message on the device and manually entering letters or text in the device as a means of communicating, with the same exceptions.

SJ 276 Interstate 95 Corridor Improvement Plan; CTB to study.

Chief patron: Reeves

Requests the Commonwealth Transportation Board to study the portion of the Interstate 95 corridor between Exit 118 and the Springfield Interchange and financing options for improvements to the corridor.

Other

HB 1838 Virginia Regional Industrial Facilities Act; revenue sharing, composite index.

Chief patron: Marshall

Requires the Department of Taxation's calculation of true values as applied to the Commonwealth's composite index of local ability-to-pay to take into account an arrangement by localities entered into pursuant to the Virginia Regional Industrial Facilities Act whereby a portion of tax revenue is initially paid to one locality and redistributed to another locality. The bill requires such calculation to properly apportion the percentage of tax revenue ultimately received by each locality. The bill has a delayed effective date of July 1, 2021.

HB 1840 Business parks; pilot program to facilitate construction of electric transmission facilities.

Chief patron: Marshall

Directs the Virginia Economic Development Partnership to establish pilot programs by Dominion Energy Virginia and Appalachian Power. The pilot programs will have the purpose of promoting economic development in opportunity zones of the Commonwealth by allowing each utility to complete the construction phase of electric transmission infrastructure for up to three business parks prior to the public announcement of a prospective occupant of the business parks. Electric cooperatives may also petition the State Corporation Commission to participate in the pilot. The measure authorizes a utility to recover the costs of the transmission facility through a rate adjustment clause. The provisions of this measure expire on December 31, 2023.

HB 2691 Electric utilities; provision of broadband services to unserved areas.

Chief patron: O'Quinn

Requires the State Corporation Commission to establish pilot programs under which Dominion Energy and Appalachian Power may submit a proposal to provide or make available broadband capacity to non-governmental internet service providers in areas of the Commonwealth that are unserved by broadband. The costs of Dominion Power and Appalachian Power's proposals are each capped at \$60 million annually. The provision of such broadband capacity is declared to be in the public interest. The measure authorizes the utilities to recover the net costs of the pilot program from customers through a rate adjustment clause. The measure authorizes such utility to become licensed to own or lease broadband capacity equipment. The measure requires the Commission to conduct proceedings to determine whether an area is unserved by broadband.

HB 2738 Public utilities; acquisition of rights-of-way for economic development sites.

Chief patron: Bagby

Authorizes a public utility providing water, sewer, electric, or natural gas service to propose an Economic Development Program (Program) under which it may acquire utility right-of-way for one or more qualified economic development sites. A proposal for a Program is

required to include an analysis of how acquiring the rights-of-way will enhance the Commonwealth's infrastructure and promote the Commonwealth's competitive business environment by improving the readiness of a qualified economic development site. The measure establishes criteria for the Virginia Economic Development Partnership Authority to certify that an industrial site is a qualified economic development site. The State Corporation Commission (SCC) is authorized to approve a proposal for a Program that satisfies certain conditions, including findings that (i) implementation of the Program will provide significant economic development benefits that might not otherwise be attained absent its approval and (ii) the Program is designed only to acquire utility rights-of-way to a qualified economic development site and not to provide service to other customers or potential customers. A utility's capital investment is capped at one percent of gross plant investment in the aggregate of all of the utility's Programs and at \$5 million for any specific qualified economic development site. This bill is identical to [SB 1695](#) (Wagner)

SB 1097 Civic Education, Commission on; extends sunset provision.

Chief patron: Marsden

Extends the sunset of the Commission on Civic Education from July 1, 2019, to July 1, 2020.

SB 1126 Lottery Board; regulation of casino gaming, penalties.

Chief patron: Lucas

Authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery Board (the Board). The bill specifies the licensing requirements for casino gaming and imposes criminal and civil penalties for violations of the casino gaming law. Casino gaming shall be limited to certain cities that meet the criteria that is outlined in the bill, and a referendum must be passed in the city on the question of allowing casino gaming in the city. The referendum must be adopted prior to January 1, 2021. The bill imposes a tax ranging from 13 to 15 percent of the adjusted gross receipts of licensees, based upon a licensee's annual adjusted gross receipts, and provides for how the tax proceeds are disbursed. The bill requires the Board to establish and implement 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 also establishes the Problem Gambling Treatment and Support Fund administered by the Commissioner of Behavioral Health and Developmental Services to provide counseling and other support services for compulsive and problem gamblers, develop problem gambling treatment and prevention programs, and provide grants to support organizations that provide assistance to compulsive gamblers. The bill requires the Joint Legislative Audit and Review Commission to report no later than November 1, 2019, regarding recommendations for casino gaming in the Commonwealth. The bill includes a reenactment clause for the referenda provisions of the bill.

SB 1153 Virginia Public Procurement Act; job order contracting, limitations.

Chief patron: Black

Raises from \$5 million to \$6 million the maximum allowable sum of all jobs performed in a one-year contract term for job order contracts beginning on July 1, 2019. The bill also

provides an exception to allow job order contracting in the case of safety improvements or traffic calming measures for individual job orders up to \$250,000, subject to the maximum annual threshold amount as established in the bill.