

HOUSE BILL NO. 502

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Cohen)

A BILL to amend and reenact §§ 8.01-217, 16.1-331, 18.2-308.04, 18.2-308.06, 18.2-308.2:2, 18.2-308.2:4, 19.2-13, 20-88.54, 22.1-287.1, 23.1-405, 23.1-407, 24.2-418, 24.2-444, 30-394, 32.1-261, 32.1-267, 32.1-269.1, 32.1-292.2, 40.1-96, 40.1-102, 46.2-323, 46.2-341.12, 46.2-345, 46.2-345.2, 46.2-2906, 54.1-3319, 54.1-4108, 59.1-118, and 65.2-900 of the Code of Virginia, relating to undesignated sex or gender designation option.

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

**1. That §§ 8.01-217, 16.1-331, 18.2-308.04, 18.2-308.06, 18.2-308.2:2, 18.2-308.2:4, 19.2-13, 20-88.54, 22.1-287.1, 23.1-405, 23.1-407, 24.2-418, 24.2-444, 30-394, 32.1-261, 32.1-267, 32.1-269.1, 32.1-292.2, 40.1-96, 40.1-102, 46.2-323, 46.2-341.12, 46.2-345, 46.2-345.2, 46.2-2906, 54.1-3319, 54.1-4108, 59.1-118, and 65.2-900 of the Code of Virginia are amended and reenacted as follows:**

**§ 8.01-217. How name of person may be changed.**

A. Any person desiring to change his own name, or that of his child or ward, may apply therefor to the circuit court of the county or city in which the person whose name is to be changed resides, or if no place of abode exists, such person may apply to any circuit court which shall consider such application if it finds that good cause exists therefor under the circumstances alleged. An incarcerated person may apply to the circuit court of the county or city in which such person is incarcerated. In case of a minor who has no living parent or guardian, the application may be made by his next friend. In case of a minor who has both parents living, the parent who does not join in the application shall be served with reasonable notice of the application pursuant to § 8.01-296 and, should such parent object to the change of name, a hearing shall be held to determine whether the change of name is in the best interest of the minor. It shall not be necessary to effect service upon any parent who files an answer to the application. If, after application is

27 made on behalf of a minor and an ex parte hearing is held thereon, the court finds by clear and convincing  
28 evidence that such notice would present a serious threat to the health and safety of the applicant, the court  
29 may waive such notice.

30 B. Every application shall be under oath and shall include the place of residence of the applicant,  
31 the names of both parents, including the maiden name of his mother, the date and place of birth of the  
32 applicant, the applicant's felony conviction record, if any, whether the applicant is a person for whom  
33 registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9  
34 (§ 9.1-900 et seq.) of Title 9.1, whether the applicant is presently incarcerated or a probationer with any  
35 court, and if the applicant has previously changed his name, his former name or names. If such application  
36 requires the sex or gender of the applicant, the application shall permit the choice between "male,"  
37 "female," or an "X" marker where the "X" means unspecified or other gender identity.

38 C. On any such application and hearing, if such be demanded, the court, shall, unless the evidence  
39 shows that the change of name is sought for a fraudulent purpose or would otherwise infringe upon the  
40 rights of others or, in a case involving a minor, that the change of name is not in the best interest of the  
41 minor, order a change of name.

42 D. No application shall be accepted by a court for a change of name of a probationer, person for  
43 whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to  
44 Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, or incarcerated person unless the court finds that good cause  
45 exists for consideration of such application under the reasons alleged in the application for the requested  
46 change of name. If the court accepts the application, the court shall mail or deliver a copy of the application  
47 to the attorney for the Commonwealth for the jurisdiction where the application was filed and the attorney  
48 for the Commonwealth for any jurisdiction in the Commonwealth where a conviction occurred that  
49 resulted in the applicant's probation, registration with the Sex Offender and Crimes Against Minors  
50 Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, or incarceration. The attorney for the  
51 Commonwealth where the application was filed shall be entitled to respond and represent the interests of  
52 the Commonwealth by filing a response within 30 days after the mailing or delivery of a copy of the  
53 application. The court shall conduct a hearing on the application and may order a change of name if, after

54 receiving and considering evidence concerning the circumstances regarding the requested change of name,  
55 the court determines that the change of name (i) would not frustrate a legitimate law-enforcement purpose,  
56 (ii) is not sought for a fraudulent purpose, and (iii) would not otherwise infringe upon the rights of others.  
57 Such order shall contain written findings stating the court's basis for granting the order.

58 E. The provisions of subsection D are jurisdictional and any order granting a change of name  
59 pursuant to subsection D that fails to comply with any provision of subsection D is void ab initio. The  
60 attorney for the Commonwealth for the jurisdiction where such an application was filed has the authority  
61 to bring an independent action at any time to have such order declared void. If the attorney for the  
62 Commonwealth brings an independent action to have the order declared void, notice of the action shall be  
63 served upon the person who was granted a change of name who shall have 30 days after service to respond.  
64 If the person whose name was changed files a response objecting to having the order declared void, the  
65 court shall hold a hearing. If an order granting a change of name is declared void pursuant to this  
66 subsection, or if a person is convicted of perjury pursuant to § 18.2-434 for unlawfully changing his name  
67 pursuant to § 18.2-504.1 based on conduct that violates this section, the clerk of the court entering the  
68 order or the order of conviction shall transmit a certified copy of the order to (i) the State Registrar of  
69 Vital Records, (ii) the Department of Motor Vehicles, (iii) the State Board of Elections, (iv) the Central  
70 Criminal Records Exchange, and (v) any agency or department of the Commonwealth that has issued a  
71 license to the person where such license utilizes the person's changed name, if known to the court and  
72 identified in the court order.

73 F. The order shall contain no identifying information other than the applicant's former name or  
74 names, new name, and current address. The clerk of the court shall spread the order upon the current deed  
75 book in his office, index it in both the old and new names, and transmit a certified copy of the order and  
76 the application to the State Registrar of Vital Records and the Central Criminal Records Exchange.  
77 Transmittal of a copy of the order and the application to the State Registrar of Vital Records and the  
78 Central Criminal Records Exchange shall not be required of a person who changed his or her former name  
79 by reason of marriage and who makes application to resume a former name pursuant to § 20-121.4.

80 G. If the applicant shall show cause to believe that in the event his change of name should become  
81 a public record, a serious threat to the health or safety of the applicant or his immediate family would  
82 exist, the chief judge of the circuit court may waive the requirement that the application be under oath or  
83 the court may order the record sealed and direct the clerk not to spread and index any orders entered in  
84 the cause, and a certified copy shall not be transmitted to the State Registrar of Vital Records or the Central  
85 Criminal Records Exchange. At such time as a name change order is received by the State Registrar of  
86 Vital Records, for a person born in the Commonwealth, together with a proper request and payment of  
87 required fees, the Registrar shall issue certifications of the amended birth record which do not reveal the  
88 former name or names of the applicant unless so ordered by a court of competent jurisdiction. Such  
89 certifications shall not be marked "amended" and show the effective date as provided in § 32.1-272. Such  
90 order shall set forth the date and place of birth of the person whose name is changed, the full names of his  
91 parents, including the maiden name of the mother and, if such person has previously changed his name,  
92 his former name or names.

93 **§ 16.1-331. Petition for emancipation.**

94 Any minor who has reached his sixteenth birthday and is residing in this Commonwealth, or any  
95 parent or guardian of such minor, may petition the juvenile and domestic relations district court for the  
96 county or city in which either the minor or his parents or guardian resides for a determination that the  
97 minor named in the petition be emancipated. The petition shall contain, in addition to the information  
98 required by § 16.1-262, the gender of the minor and, if the petitioner is not the minor, the name of the  
99 petitioner and the relationship of the petitioner to the minor. The petition shall permit the choice between  
100 "male," "female," or an "X" marker where the "X" means unspecified or other gender identity when  
101 designating the gender of the minor. If the petition is based on the minor's desire to enter into a valid  
102 marriage, the petition shall also include the name, age, date of birth, if known, and residence of the  
103 intended spouse. The petitioner shall also attach copies of any criminal records of each individual  
104 intending to be married. The petitioner shall also attach copies of any protective order issued between the  
105 individuals to be married.

106 **§ 18.2-308.04. Processing of the application and issuance of a concealed handgun permit.**

107           A. The clerk of court shall enter on the application the date on which the application and all other  
108 information required to be submitted by the applicant is received.

109           B. Upon receipt of the completed application, the court shall consult with either the sheriff or  
110 police department of the county or city and receive a report from the Central Criminal Records Exchange.

111           C. The court shall issue the permit via United States mail and notify the State Police of the issuance  
112 of the permit within 45 days of receipt of the completed application unless it is determined that the  
113 applicant is disqualified. Any order denying issuance of the permit shall be in accordance with § 18.2-  
114 308.08. If the applicant is later found by the court to be disqualified after a five-year permit has been  
115 issued, the permit shall be revoked.

116           D. A court may authorize the clerk to issue concealed handgun permits, without judicial review,  
117 to applicants who have submitted complete applications, for whom the criminal history records check  
118 does not indicate a disqualification and, after consulting with either the sheriff or police department of the  
119 county or city, about which application there are no outstanding questions or issues. The court clerk shall  
120 be immune from suit arising from any acts or omissions relating to the issuance of concealed handgun  
121 permits without judicial review pursuant to this section unless the clerk was grossly negligent or engaged  
122 in willful misconduct. This section shall not be construed to limit, withdraw, or overturn any defense or  
123 immunity already existing in statutory or common law, or to affect any cause of action accruing prior to  
124 July 1, 2010.

125           E. The permit to carry a concealed handgun shall specify only the following information: name,  
126 address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of the permittee;  
127 the signature of the judge issuing the permit, of the clerk of court who has been authorized to sign such  
128 permits by the issuing judge, or of the clerk of court who has been authorized to issue such permits  
129 pursuant to subsection D; the date of issuance; and the expiration date. The permit shall use "male,"  
130 "female," or an "X" marker where the "X" means unspecified or other gender identity, as applicable, when  
131 designating the gender of the permittee. The permit to carry a concealed handgun shall be of a size  
132 comparable to a Virginia driver's license, may be laminated or use a similar process to protect the permit,  
133 and shall otherwise be of a uniform style prescribed by the Department of State Police.

134           **§ 18.2-308.06. Nonresident concealed handgun permits.**

135           A. Nonresidents of the Commonwealth 21 years of age or older may apply in writing to the  
136 Virginia Department of State Police for a five-year permit to carry a concealed handgun. The applicant  
137 shall submit a photocopy of one valid form of photo identification issued by a governmental agency of  
138 the applicant's state of residency or by the U.S. Department of Defense or U.S. State Department  
139 (passport). Every applicant for a nonresident concealed handgun permit shall also submit two photographs  
140 of a type and kind specified by the Department of State Police for inclusion on the permit and shall submit  
141 fingerprints on a card provided by the Department of State Police for the purpose of obtaining the  
142 applicant's state or national criminal history record. As a condition for issuance of a concealed handgun  
143 permit, the applicant shall submit to fingerprinting by his local or state law-enforcement agency and  
144 provide personal descriptive information to be forwarded with the fingerprints through the Central  
145 Criminal Records Exchange to the U.S. Federal Bureau of Investigation for the purpose of obtaining  
146 criminal history record information regarding the applicant and obtaining fingerprint identification  
147 information from federal records pursuant to criminal investigations by state and local law-enforcement  
148 agencies. The application shall be on a form provided by the Department of State Police, requiring only  
149 that information necessary to determine eligibility for the permit. If the permittee is later found by the  
150 Department of State Police to be disqualified, the permit shall be revoked and the person shall return the  
151 permit after being so notified by the Department of State Police. The permit requirement and restriction  
152 provisions of subsection C of § 18.2-308.02 and § 18.2-308.09 shall apply, mutatis mutandis, to the  
153 provisions of this subsection.

154           B. The applicant shall demonstrate competence with a handgun in person by one of the following:

- 155           1. Completing a hunter education or hunter safety course approved by the Virginia Department of  
156 Wildlife Resources or a similar agency of another state;
- 157           2. Completing any National Rifle Association or United States Concealed Carry Association  
158 firearms safety or training course;
- 159           3. Completing any firearms safety or training course or class available to the general public offered  
160 by a law-enforcement agency, institution of higher education, or private or public institution or

161 organization or firearms training school utilizing instructors certified by the National Rifle Association,  
162 the United States Concealed Carry Association, or the Department of Criminal Justice Services or a similar  
163 agency of another state;

164 4. Completing any law-enforcement firearms safety or training course or class offered for security  
165 guards, investigators, special deputies, or any division or subdivision of law enforcement or security  
166 enforcement;

167 5. Presenting evidence of equivalent experience with a firearm through participation in organized  
168 shooting competition approved by the Department of State Police or current military service or proof of  
169 an honorable discharge from any branch of the armed services;

170 6. Obtaining or previously having held a license to carry a firearm in the Commonwealth or a  
171 locality thereof, unless such license has been revoked for cause;

172 7. Completing any in-person firearms training or safety course or class conducted by a state-  
173 certified, National Rifle Association-certified, or United States Concealed Carry Association-certified  
174 firearms instructor;

175 8. Completing any governmental police agency firearms training course and qualifying to carry a  
176 firearm in the course of normal police duties; or

177 9. Completing any other firearms training that the Virginia Department of State Police deems  
178 adequate.

179 A photocopy of a certificate of completion of any such course or class; an affidavit from the  
180 instructor, school, club, organization, or group that conducted or taught such course or class attesting to  
181 the completion of the course or class by the applicant; or a copy of any document that shows completion  
182 of the course or class or evidences participation in firearms competition shall satisfy the requirement for  
183 demonstration of competence with a handgun.

184 C. The Department of State Police may charge a fee not to exceed \$100 to cover the cost of the  
185 background check and issuance of the permit. Any fees collected shall be deposited in a special account  
186 to be used to offset the costs of administering the nonresident concealed handgun permit program.

187 D. The permit to carry a concealed handgun shall contain only the following information: name,  
188 address, date of birth, gender, height, weight, color of hair, color of eyes, and photograph of the permittee;  
189 the signature of the Superintendent of the Virginia Department of State Police or his designee; the date of  
190 issuance; and the expiration date. The permit shall use "male," "female," or an "X" marker where the "X"  
191 means unspecified or other gender identity, as applicable, when designating the gender of the permittee.

192 E. The Superintendent of the State Police shall promulgate regulations, pursuant to the  
193 Administrative Process Act (§ 2.2-4000 et seq.), for the implementation of an application process for  
194 obtaining a nonresident concealed handgun permit.

195 **§ 18.2-308.2:2. Criminal history record information check required for the transfer of**  
196 **certain firearms.**

197 A. Any person purchasing from a dealer a firearm as herein defined shall consent in writing, on a  
198 form to be provided by the Department of State Police, to have the dealer obtain criminal history record  
199 information. Such form shall include only the written consent; the name, birth date, gender, race,  
200 citizenship, and social security number ~~and/or~~ or any other identification number; the number of firearms  
201 by category intended to be sold, rented, traded, or transferred; and answers by the applicant to the  
202 following questions: (i) has the applicant been convicted of a felony offense or a misdemeanor offense  
203 listed in § 18.2-308.1:8 or found guilty or adjudicated delinquent as a juvenile 14 years of age or older at  
204 the time of the offense of a delinquent act that if committed by an adult would be a felony or a  
205 misdemeanor listed in § 18.2-308.1:8; (ii) is the applicant subject to a court order restraining the applicant  
206 from harassing, stalking, or threatening the applicant's child or intimate partner, or a child of such partner,  
207 or is the applicant subject to a protective order; (iii) has the applicant ever been acquitted by reason of  
208 insanity and prohibited from purchasing, possessing, or transporting a firearm pursuant to § 18.2-308.1:1  
209 or any substantially similar law of any other jurisdiction, been adjudicated legally incompetent, mentally  
210 incapacitated, or adjudicated an incapacitated person and prohibited from purchasing a firearm pursuant  
211 to § 18.2-308.1:2 or any substantially similar law of any other jurisdiction, been involuntarily admitted to  
212 an inpatient facility or involuntarily ordered to outpatient mental health treatment and prohibited from  
213 purchasing a firearm pursuant to § 18.2-308.1:3 or any substantially similar law of any other jurisdiction,



214 or been the subject of a temporary detention order pursuant to § 37.2-809 and subsequently agreed to a  
215 voluntary admission pursuant to § 37.2-805; and (iv) is the applicant subject to an emergency substantial  
216 risk order or a substantial risk order entered pursuant to § 19.2-152.13 or 19.2-152.14 and prohibited from  
217 purchasing, possessing, or transporting a firearm pursuant to § 18.2-308.1:6 or any substantially similar  
218 law of any other jurisdiction. Such form shall permit the choice between "male," "female," or an "X"  
219 marker where the "X" means unspecified or other gender identity, as applicable, when designating the  
220 gender of the applicant.

221 B. 1. No dealer shall sell, rent, trade, or transfer from his inventory any such firearm to any other  
222 person who is a resident of Virginia until he has (i) obtained written consent and the other information on  
223 the consent form specified in subsection A, and provided the Department of State Police with the name,  
224 birth date, gender, race, citizenship, and social security ~~and/or~~ or any other identification number and the  
225 number of firearms by category intended to be sold, rented, traded, or transferred and (ii) requested  
226 criminal history record information by a telephone call to or other communication authorized by the State  
227 Police and is authorized by subdivision 2 to complete the sale or other such transfer. To establish personal  
228 identification and residence in Virginia for purposes of this section, a dealer must require any prospective  
229 purchaser to present one photo-identification form issued by a governmental agency of the  
230 Commonwealth or by the United States Department of Defense or a special identification card without a  
231 photograph issued pursuant to § 46.2-345.2 that demonstrates that the prospective purchaser resides in  
232 Virginia. For the purposes of this section and establishment of residency for firearm purchase, residency  
233 of a member of the armed forces shall include both the state in which the member's permanent duty post  
234 is located and any nearby state in which the member resides and from which he commutes to the permanent  
235 duty post. A member of the armed forces whose photo identification issued by the Department of Defense  
236 does not have a Virginia address may establish his Virginia residency with such photo identification and  
237 either permanent orders assigning the purchaser to a duty post, including the Pentagon, in Virginia or the  
238 purchaser's Leave and Earnings Statement. When the identification presented to a dealer by the  
239 prospective purchaser is a driver's license or other photo identification issued by the Department of Motor  
240 Vehicles or a special identification card without a photograph issued pursuant to § 46.2-345.2, and such

241 identification form or card contains a date of issue, the dealer shall not, except for a renewed driver's  
242 license or other photo identification issued by the Department of Motor Vehicles or a renewed special  
243 identification card without a photograph issued pursuant to § 46.2-345.2, sell or otherwise transfer a  
244 firearm to the prospective purchaser until 30 days after the date of issue of an original or duplicate driver's  
245 license or special identification card without a photograph unless the prospective purchaser also presents  
246 a copy of his Virginia Department of Motor Vehicles driver's record showing that the original date of issue  
247 of the driver's license was more than 30 days prior to the attempted purchase.

248 In addition, no dealer shall sell, rent, trade, or transfer from his inventory any assault firearm to  
249 any person who is not a citizen of the United States or who is not a person lawfully admitted for permanent  
250 residence.

251 Upon receipt of the request for a criminal history record information check, the State Police shall  
252 (a) review its criminal history record information to determine if the buyer or transferee is prohibited from  
253 possessing or transporting a firearm by state or federal law, (b) inform the dealer if its record indicates  
254 that the buyer or transferee is so prohibited, and (c) provide the dealer with a unique reference number for  
255 that inquiry.

256 2. The State Police shall provide its response to the requesting dealer during the dealer's request or  
257 by return call without delay. A dealer who fulfills the requirements of subdivision 1 and is told by the  
258 State Police that a response will not be available by the end of the dealer's fifth business day may  
259 immediately complete the sale or transfer and shall not be deemed in violation of this section with respect  
260 to such sale or transfer.

261 3. Except as required by subsection D of § 9.1-132, the State Police shall not maintain records  
262 longer than 30 days, except for multiple handgun transactions for which records shall be maintained for  
263 12 months, from any dealer's request for a criminal history record information check pertaining to a buyer  
264 or transferee who is not found to be prohibited from possessing and transporting a firearm under state or  
265 federal law. However, the log on requests made may be maintained for a period of 12 months, and such  
266 log shall consist of the name of the purchaser, the dealer identification number, the unique approval  
267 number, and the transaction date.

268 4. On the last day of the week following the sale or transfer of any firearm, the dealer shall mail  
269 or deliver the written consent form required by subsection A to the Department of State Police. The State  
270 Police shall immediately initiate a search of all available criminal history record information to determine  
271 if the purchaser is prohibited from possessing or transporting a firearm under state or federal law. If the  
272 search discloses information indicating that the buyer or transferee is so prohibited from possessing or  
273 transporting a firearm, the State Police shall inform the chief law-enforcement officer in the jurisdiction  
274 where the sale or transfer occurred and the dealer without delay.

275 5. Notwithstanding any other provisions of this section, rifles and shotguns may be purchased by  
276 persons who are citizens of the United States or persons lawfully admitted for permanent residence but  
277 residents of other states under the terms of subsections A and B upon furnishing the dealer with one photo-  
278 identification form issued by a governmental agency of the person's state of residence and one other form  
279 of identification determined to be acceptable by the Department of Criminal Justice Services.

280 6. For the purposes of this subsection, the phrase "dealer's fifth business day" does not include  
281 December 25.

282 C. No dealer shall sell, rent, trade, or transfer from his inventory any firearm, except when the  
283 transaction involves a rifle or a shotgun and can be accomplished pursuant to the provisions of subdivision  
284 B 5, to any person who is a dual resident of Virginia and another state pursuant to applicable federal law  
285 unless he has first obtained from the Department of State Police a report indicating that a search of all  
286 available criminal history record information has not disclosed that the person is prohibited from  
287 possessing or transporting a firearm under state or federal law.

288 To establish personal identification and dual resident eligibility for purposes of this subsection, a  
289 dealer shall require any prospective purchaser to present one photo-identification form issued by a  
290 governmental agency of the prospective purchaser's state of legal residence and other documentation of  
291 dual residence within the Commonwealth. The other documentation of dual residence in the  
292 Commonwealth may include (i) evidence of currently paid personal property tax or real estate tax or a  
293 current (a) lease, (b) utility or telephone bill, (c) voter registration card, (d) bank check, (e) passport, (f)  
294 automobile registration, or (g) hunting or fishing license; (ii) other current identification allowed as

295 evidence of residency by 27 C.F.R. § 178.124 and ATF Ruling 2001-5; or (iii) other documentation of  
296 residence determined to be acceptable by the Department of Criminal Justice Services and that  
297 corroborates that the prospective purchaser currently resides in Virginia.

298 D. If any buyer or transferee is denied the right to purchase a firearm under this section, he may  
299 exercise his right of access to and review and correction of criminal history record information under §  
300 9.1-132 or institute a civil action as provided in § 9.1-135, provided any such action is initiated within 30  
301 days of such denial.

302 E. Any dealer who willfully and intentionally requests, obtains, or seeks to obtain criminal history  
303 record information under false pretenses, or who willfully and intentionally disseminates or seeks to  
304 disseminate criminal history record information except as authorized in this section, shall be guilty of a  
305 Class 2 misdemeanor.

306 F. For purposes of this section:

307 "Actual buyer" means a person who executes the consent form required in subsection B or C, or  
308 other such firearm transaction records as may be required by federal law.

309 "Antique firearm" means:

310 1. Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type  
311 of ignition system) manufactured in or before 1898;

312 2. Any replica of any firearm described in subdivision 1 of this definition if such replica (i) is not  
313 designed or redesigned for using rimfire or conventional centerfire fixed ammunition or (ii) uses rimfire  
314 or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that  
315 is not readily available in the ordinary channels of commercial trade;

316 3. Any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading pistol that is designed to  
317 use black powder, or a black powder substitute, and that cannot use fixed ammunition. For purposes of  
318 this subdivision, the term "antique firearm" shall not include any weapon that incorporates a firearm frame  
319 or receiver, any firearm that is converted into a muzzle-loading weapon, or any muzzle-loading weapon  
320 that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breech-block, or any  
321 combination thereof; or

322 4. Any curio or relic as defined in this subsection.

323 "Assault firearm" means any semi-automatic center-fire rifle or pistol which expels single or  
324 multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the  
325 offense with a magazine which will hold more than 20 rounds of ammunition or designed by the  
326 manufacturer to accommodate a silencer or equipped with a folding stock.

327 "Curios or relics" means firearms that are of special interest to collectors by reason of some quality  
328 other than is associated with firearms intended for sporting use or as offensive or defensive weapons. To  
329 be recognized as curios or relics, firearms must fall within one of the following categories:

330 1. Firearms that were manufactured at least 50 years prior to the current date, which use rimfire or  
331 conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is  
332 not readily available in the ordinary channels of commercial trade, but not including replicas thereof;

333 2. Firearms that are certified by the curator of a municipal, state, or federal museum that exhibits  
334 firearms to be curios or relics of museum interest; and

335 3. Any other firearms that derive a substantial part of their monetary value from the fact that they  
336 are novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof  
337 of qualification of a particular firearm under this category may be established by evidence of present value  
338 and evidence that like firearms are not available except as collectors' items, or that the value of like  
339 firearms available in ordinary commercial channels is substantially less.

340 "Dealer" means any person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

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

343 "Handgun" means any pistol or revolver or other firearm originally designed, made and intended  
344 to fire single or multiple projectiles by means of an explosion of a combustible material from one or more  
345 barrels when held in one hand.

346 "Lawfully admitted for permanent residence" means the status of having been lawfully accorded  
347 the privilege of residing permanently in the United States as an immigrant in accordance with the  
348 immigration laws, such status not having changed.

349 G. The Department of Criminal Justice Services shall promulgate regulations to ensure the identity,  
350 confidentiality, and security of all records and data provided by the Department of State Police pursuant  
351 to this section.

352 H. The provisions of this section shall not apply to (i) transactions between persons who are  
353 licensed as firearms importers or collectors, manufacturers or dealers pursuant to 18 U.S.C. § 921 et seq.;  
354 (ii) purchases by or sales to any law-enforcement officer or agent of the United States, the Commonwealth  
355 or any local government, or any campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of  
356 Chapter 8 of Title 23.1; or (iii) antique firearms or curios or relics.

357 I. The provisions of this section shall not apply to restrict purchase, trade, or transfer of firearms  
358 by a resident of Virginia when the resident of Virginia makes such purchase, trade, or transfer in another  
359 state, in which case the laws and regulations of that state and the United States governing the purchase,  
360 trade, or transfer of firearms shall apply. A National Instant Criminal Background Check System (NICS)  
361 check shall be performed prior to such purchase, trade, or transfer of firearms.

362 J. All licensed firearms dealers shall collect a fee of \$2 for every transaction for which a criminal  
363 history record information check is required pursuant to this section, except that a fee of \$5 shall be  
364 collected for every transaction involving an out-of-state resident. Such fee shall be transmitted to the  
365 Department of State Police by the last day of the month following the sale for deposit in a special fund for  
366 use by the State Police to offset the cost of conducting criminal history record information checks under  
367 the provisions of this section.

368 K. Any person willfully and intentionally making a materially false statement on the consent form  
369 required in subsection B or C or on such firearm transaction records as may be required by federal law  
370 shall be guilty of a Class 5 felony.

371 L. Except as provided in § 18.2-308.2:1, any dealer who willfully and intentionally sells, rents,  
372 trades, or transfers a firearm in violation of this section shall be guilty of a Class 6 felony.

373 L1. Any person who attempts to solicit, persuade, encourage, or entice any dealer to transfer or  
374 otherwise convey a firearm other than to the actual buyer, as well as any other person who willfully and  
375 intentionally aids or abets such person, shall be guilty of a Class 6 felony. This subsection shall not apply

376 to a federal law-enforcement officer or a law-enforcement officer as defined in § 9.1-101, in the  
377 performance of his official duties, or other person under his direct supervision.

378 M. Any person who purchases a firearm with the intent to (i) resell or otherwise provide such  
379 firearm to any person who he knows or has reason to believe is ineligible to purchase or otherwise receive  
380 from a dealer a firearm for whatever reason or (ii) transport such firearm out of the Commonwealth to be  
381 resold or otherwise provided to another person who the transferor knows is ineligible to purchase or  
382 otherwise receive a firearm, shall be guilty of a Class 4 felony and sentenced to a mandatory minimum  
383 term of imprisonment of one year. However, if the violation of this subsection involves such a transfer of  
384 more than one firearm, the person shall be sentenced to a mandatory minimum term of imprisonment of  
385 five years. The prohibitions of this subsection shall not apply to the purchase of a firearm by a person for  
386 the lawful use, possession, or transport thereof, pursuant to § 18.2-308.7, by his child, grandchild, or  
387 individual for whom he is the legal guardian if such child, grandchild, or individual is ineligible, solely  
388 because of his age, to purchase a firearm.

389 N. Any person who is ineligible to purchase or otherwise receive or possess a firearm in the  
390 Commonwealth who solicits, employs, or assists any person in violating subsection M shall be guilty of a  
391 Class 4 felony and shall be sentenced to a mandatory minimum term of imprisonment of five years.

392 O. Any mandatory minimum sentence imposed under this section shall be served consecutively  
393 with any other sentence.

394 P. All driver's licenses issued on or after July 1, 1994, shall carry a letter designation indicating  
395 whether the driver's license is an original, duplicate, or renewed driver's license.

396 Q. Prior to selling, renting, trading, or transferring any firearm owned by the dealer but not in his  
397 inventory to any other person, a dealer may require such other person to consent to have the dealer obtain  
398 criminal history record information to determine if such other person is prohibited from possessing or  
399 transporting a firearm by state or federal law. The Department of State Police shall establish policies and  
400 procedures in accordance with 28 C.F.R. § 25.6 to permit such determinations to be made by the  
401 Department of State Police, and the processes established for making such determinations shall conform  
402 to the provisions of this section.

403 R. Except as provided in subdivisions 1 and 2, it shall be unlawful for any person who is not a  
404 licensed firearms dealer to purchase more than one handgun within any 30-day period. For the purposes  
405 of this subsection, "purchase" does not include the exchange or replacement of a handgun by a seller for  
406 a handgun purchased from such seller by the same person seeking the exchange or replacement within the  
407 30-day period immediately preceding the date of exchange or replacement. A violation of this subsection  
408 is punishable as a Class 1 misdemeanor.

409 1. Purchases in excess of one handgun within a 30-day period may be made upon completion of  
410 an enhanced background check, as described in this subsection, by special application to the Department  
411 of State Police listing the number and type of handguns to be purchased and transferred for lawful business  
412 or personal use, in a collector series, for collections, as a bulk purchase from estate sales, and for similar  
413 purposes. Such applications shall be signed under oath by the applicant on forms provided by the  
414 Department of State Police, shall state the purpose for the purchase above the limit, and shall require  
415 satisfactory proof of residency and identity. Such application shall be in addition to the firearms sales  
416 report required by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The  
417 Superintendent of State Police shall promulgate regulations, pursuant to the Administrative Process Act  
418 (§ 2.2-4000 et seq.), for the implementation of an application process for purchases of handguns above  
419 the limit.

420 Upon being satisfied that these requirements have been met, the Department of State Police shall  
421 immediately issue to the applicant a nontransferable certificate, which shall be valid for seven days from  
422 the date of issue. The certificate shall be surrendered to the dealer by the prospective purchaser prior to  
423 the consummation of such sale and shall be kept on file at the dealer's place of business for inspection as  
424 provided in § 54.1-4201 for a period of not less than two years. Upon request of any local law-enforcement  
425 agency, and pursuant to its regulations, the Department of State Police may certify such local law-  
426 enforcement agency to serve as its agent to receive applications and, upon authorization by the Department  
427 of State Police, issue certificates immediately pursuant to this subdivision. Applications and certificates  
428 issued under this subdivision shall be maintained as records as provided in subdivision B 3. The



429 Department of State Police shall make available to local law-enforcement agencies all records concerning  
430 certificates issued pursuant to this subdivision and all records provided for in subdivision B 3.

431 2. The provisions of this subsection shall not apply to:

432 a. A law-enforcement agency;

433 b. An agency duly authorized to perform law-enforcement duties;

434 c. A state or local correctional facility;

435 d. A private security company licensed to do business within the Commonwealth;

436 e. The purchase of antique firearms;

437 f. A person whose handgun is stolen or irretrievably lost who deems it essential that such handgun  
438 be replaced immediately. Such person may purchase another handgun, even if the person has previously  
439 purchased a handgun within a 30-day period, provided that (i) the person provides the firearms dealer with  
440 a copy of the official police report or a summary thereof, on forms provided by the Department of State  
441 Police, from the law-enforcement agency that took the report of the lost or stolen handgun; (ii) the official  
442 police report or summary thereof contains the name and address of the handgun owner, a description of  
443 the handgun, the location of the loss or theft, the date of the loss or theft, and the date the loss or theft was  
444 reported to the law-enforcement agency; and (iii) the date of the loss or theft as reflected on the official  
445 police report or summary thereof occurred within 30 days of the person's attempt to replace the handgun.  
446 The firearms dealer shall attach a copy of the official police report or summary thereof to the original copy  
447 of the Virginia firearms transaction report completed for the transaction and retain it for the period  
448 prescribed by the Department of State Police;

449 g. A person who trades in a handgun at the same time he makes a handgun purchase and as a part  
450 of the same transaction, provided that no more than one transaction of this nature is completed per day;

451 h. A person who holds a valid Virginia permit to carry a concealed handgun;

452 i. A person who purchases a handgun in a private sale. For purposes of this subdivision, "private  
453 sale" means a purchase from a person who makes occasional sales, exchanges, or purchases of firearms  
454 for the enhancement of a personal collection of curios or relics or who sells all or part of such collection  
455 of curios and relics; or

456 j. A law-enforcement officer. For purposes of this subdivision, "law-enforcement officer" means  
457 any employee of a police department or sheriff's office that is part of or administered by the  
458 Commonwealth or any political subdivision thereof and who is responsible for the prevention and  
459 detection of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth.

460 **§ 18.2-308.2:4. Firearm verification check; penalty.**

461 A. For ~~the~~ purposes of this section:

462 "Dealer" means any person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

463 "Department" means the Department of State Police.

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

466 B. A dealer who is receiving by sale, transfer, or trade a firearm from a person who is not a dealer  
467 may choose to obtain a verification check from the Department to determine if the firearm has been  
468 reported to a law-enforcement agency as lost or stolen. If a dealer chooses to obtain a verification check,  
469 the procedures in this section shall be followed.

470 C. The person selling, transferring, or trading the firearm to the dealer shall present a valid photo  
471 identification issued by a state or federal governmental agency and shall consent in writing, on a form to  
472 be provided by the Department, to have the dealer obtain a verification check to determine if the firearm  
473 has been reported to a law-enforcement agency as lost or stolen. Such form shall include only the written  
474 consent; the name, address, birth date, gender, race, and verifiable government identification number on  
475 the photo identification presented by the person selling, transferring, or trading the firearm; and the serial  
476 number, caliber, make, and, if available, model of the firearm. Such form shall permit the choice between  
477 "male," "female," or an "X" marker where the "X" means unspecified or other gender identity, as  
478 applicable, when designating the gender of the person selling, transferring, or trading the firearm.

479 D. A dealer shall (i) obtain written consent and identifying information on the consent form  
480 specified in subsection C; (ii) provide the Department with the serial number, caliber, make, and, if  
481 available, model of the firearm intended to be sold, traded, or transferred to the dealer; (iii) request a  
482 verification check by telephone or other manner authorized by the Department; and (iv) receive

483 information from the Department as to whether the firearm has been reported to a law-enforcement agency  
484 as lost or stolen.

485 To establish personal identification and residence for purposes of this section, a dealer shall require  
486 a prospective transferee to present one photo-identification form containing a verifiable identification  
487 number issued by a governmental agency of the Commonwealth, a similar photo-identification form from  
488 another state government or by the U.S. Department of Defense, or other documentation of residence  
489 determined acceptable by the Department.

490 E. Upon receipt of the request for a verification check, the Department shall (i) query firearms  
491 databases to determine if the firearm has been reported to a law-enforcement agency as lost or stolen, (ii)  
492 inform the dealer if the firearm has been reported to a law-enforcement agency as lost or stolen, and (iii)  
493 provide the dealer with a unique response for that inquiry.

494 The Department shall provide its response to the requesting dealer electronically or by return call  
495 without delay. If the verification check discloses that the firearm cannot be lawfully sold, transferred, or  
496 traded, the Department shall have until the end of the dealer's next business day to advise the dealer that  
497 its records indicate the firearm cannot be lawfully sold, transferred, or traded pursuant to state or federal  
498 law.

499 In the case of electronic failure or other circumstances beyond the control of the Department, the  
500 dealer shall be advised immediately of the reason for such delay and be given an estimate of the length of  
501 such delay. After such notification, the Department shall, as soon as possible but in no event later than the  
502 end of the dealer's next business day, inform the requesting dealer if the firearm cannot be lawfully sold,  
503 transferred, or traded pursuant to state or federal law.

504 F. The Department shall maintain a log of requests made for a period of 12 months from the date  
505 the request was made, consisting of the serial number, caliber, make, and, if available, model of the  
506 firearm; the dealer identification number; and the transaction date.

507 G. The dealer shall maintain the consent form for a period of 12 months from the date of the  
508 transaction if the firearm is determined to be lost or stolen. If the firearm is determined not to be lost or

509 stolen, the consent form shall be destroyed by the dealer within two weeks from the date of such  
510 determination.

511 H. The Superintendent of State Police shall promulgate regulations to ensure the identity,  
512 confidentiality, and security of all records and data provided pursuant to this section.

513 I. The provisions of this section shall not apply to transactions between persons who are licensed  
514 as firearms importers, manufacturers, or dealers pursuant to 18 U.S.C. § 921 et seq.

515 J. Any person who willfully and intentionally makes a material false statement on the consent form  
516 is guilty of a Class 1 misdemeanor.

517 **§ 19.2-13. Special conservators of the peace; authority; jurisdiction; registration; liability of**  
518 **employers; penalty; report.**

519 A. Upon the submission of an application, which shall include the results of the background  
520 investigation conducted pursuant to subsection C, from (i) any sheriff or chief of police of any county,  
521 city, or town; (ii) any corporation authorized to do business in the Commonwealth; (iii) the owner,  
522 proprietor, or authorized custodian of any place within the Commonwealth; or (iv) any museum owned  
523 and managed by the Commonwealth, a circuit court judge of any county or city shall appoint special  
524 conservators of the peace who shall serve as such for such length of time as the court may designate, but  
525 not exceeding four years under any one appointment, during which time the court shall retain jurisdiction  
526 over the appointment order, upon a showing by the applicant of a necessity for the security of property or  
527 the peace and presentation of evidence that the person or persons to be appointed as a special conservator  
528 of the peace possess a valid registration issued by the Department of Criminal Justice Services in  
529 accordance with the provisions of subsection C. Upon an application made pursuant to clause (ii), (iii), or  
530 (iv), the court shall, prior to entering the order of appointment, transmit a copy of the application to the  
531 local attorney for the Commonwealth and the local sheriff or chief of police who may submit to the court  
532 a sworn, written statement indicating whether the order of appointment should be granted. However, a  
533 judge may deny the appointment for good cause, and shall state the specific reasons for the denial in  
534 writing in the order denying the appointment. A judge also may revoke the appointment order for good  
535 cause shown, upon the filing of a sworn petition by the attorney for the Commonwealth, sheriff, or chief

536 of police for any locality in which the special conservator of the peace is authorized to serve or by the  
537 Department of Criminal Justice Services. Prior to revocation, a hearing shall be set and the special  
538 conservator of the peace shall be given notice and the opportunity to be heard. The judge may temporarily  
539 suspend the appointment pending the hearing for good cause shown. A hearing on the petition shall be  
540 heard by the court as soon as practicable. If the appointment order is suspended or revoked, the clerk of  
541 court shall notify the Department of Criminal Justice Services, the Department of State Police, the  
542 applicable local law-enforcement agencies in all cities and counties where the special conservator of the  
543 peace is authorized to serve, and the employer of the special conservator of the peace.

544         The order of appointment shall provide that a special conservator of the peace may perform only  
545 the duties for which he is qualified by training as established by the Criminal Justice Services Board. The  
546 order of appointment shall provide that such duties shall be exercised only within geographical limitations  
547 specified by the court, which shall be within the confines of the county, city or town that makes application  
548 or on the real property where the corporate applicant is located, or any real property contiguous to such  
549 real property, limited, except as provided in subsection F, to the city or county wherein application has  
550 been made, and only when such special conservator of the peace is engaged in the performance of his  
551 duties as such; however, a court may, in its discretion, specify in the order of appointment additional  
552 jurisdictions in which a special conservator of the peace employed by the Shenandoah Valley Regional  
553 Airport Commission or the Richmond Metropolitan Transportation Authority may exercise his duties. The  
554 order may provide that the special conservator of the peace shall have the authority to make an arrest  
555 outside of such geographical limitations if the arrest results from a close pursuit that was initiated when  
556 the special conservator of the peace was within the confines of the area wherein he has been authorized to  
557 have the powers and authority of a special conservator of the peace; the order shall further delineate a  
558 geographical limitation or distance beyond which the special conservator of the peace may not effectuate  
559 such an arrest that follows from a close pursuit. The order shall require the special conservator of the peace  
560 to comply with the provisions of the United States Constitution and the Constitution of Virginia. The order  
561 shall not identify the special conservator of the peace as a law-enforcement officer pursuant to § 9.1-101.  
562 The order may provide, however, that the special conservator of the peace is a "law-enforcement officer"

563 for the purposes of Article 4 (§ 37.2-808 et seq.) of Chapter 8 of Title 37.2 or Article 16 (§ 16.1-335 et  
564 seq.) of Chapter 11 of Title 16.1, but such designation shall not qualify the special conservator of the peace  
565 as a "qualified law-enforcement officer" or "qualified retired law-enforcement officer" within the meaning  
566 of the federal Law Enforcement Officer Safety Act, 18 U.S.C. § 926(B) et seq., and the order of  
567 appointment shall specifically state this. The order may also provide that a special conservator of the peace  
568 who has completed the minimum training standards established by the Criminal Justice Services Board,  
569 has the authority to affect arrests, using up to the same amount of force as would be allowed to a law-  
570 enforcement officer employed by the Commonwealth or any of its political subdivisions when making a  
571 lawful arrest. The order shall prohibit blue flashing lights, but upon request and for good cause shown  
572 may provide that the special conservator of the peace may use flashing lights and sirens on any vehicle  
573 used by the special conservator of the peace when he is in the performance of his duties. Prior to granting  
574 an application for appointment, the circuit court shall ensure that the applicant has met the registration  
575 requirements established by the Criminal Justice Services Board.

576 B. All applications and orders for appointments of special conservators of the peace shall be  
577 submitted on forms developed by the Office of the Executive Secretary of the Supreme Court of Virginia  
578 in consultation with the Department of Criminal Justice Services and shall specify the duties for which  
579 the applicant is qualified. If such forms require the sex or gender of the applicant, the forms shall permit  
580 the choice between "male," "female," or an "X" marker where the "X" means unspecified or other gender  
581 identity, as applicable. The applications and orders shall specify the geographic limitations consistent with  
582 subsection A.

583 C. No person shall seek appointment as a special conservator of the peace from a circuit court  
584 judge without possessing a valid registration issued by the Department of Criminal Justice Services, except  
585 as provided in this section. Applicants for registration may submit an application on or after January 1,  
586 2004. A temporary registration may be issued in accordance with regulations established by the Criminal  
587 Justice Services Board while awaiting the results of a state and national fingerprint search. However, no  
588 person shall be issued a valid registration or temporary registration until he has (i) complied with, or been  
589 exempted from the compulsory minimum training standards as set forth in this section; (ii) submitted his

590 fingerprints on a form provided by the Department to be used for the conduct of a national criminal records  
591 search and a Virginia criminal history records search; (iii) submitted the results of a background  
592 investigation, performed by any state or local law-enforcement agency, which may, at its discretion,  
593 charge a reasonable fee to the applicant and which shall include a review of the applicant's criminal history  
594 records and may include a review of the applicant's school records, employment records, or interviews  
595 with persons possessing general knowledge of the applicant's character and fitness for such appointment;  
596 and (iv) met all other requirements of this article and Board regulations. No person with a criminal  
597 conviction for a misdemeanor involving (a) moral turpitude, (b) assault and battery, (c) damage to real or  
598 personal property, (d) controlled substances or imitation controlled substances as defined in Article 1 (§  
599 18.2-247 et seq.) of Chapter 7 of Title 18.2, (e) prohibited sexual behavior as described in Article 7 (§  
600 18.2-61 et seq.) of Chapter 4 of Title 18.2, or (f) firearms, or any felony, or who is required to register  
601 with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of  
602 Title 9.1, or who is prohibited from possessing, transporting, or purchasing a firearm shall be eligible for  
603 registration or appointment as a special conservator of the peace. A special conservator of the peace shall  
604 report if he is arrested for, charged with, or convicted of any misdemeanor or felony offense or becomes  
605 ineligible for registration or appointment as a special conservator of the peace pursuant to this subsection  
606 to the Department of Criminal Justice Services and the chief law-enforcement officer of all localities in  
607 which he is authorized to serve within three days of such arrest or of becoming ineligible for registration  
608 or appointment as a special conservator of the peace. Any appointment for a special conservator of the  
609 peace shall be eligible for suspension and revocation after a hearing pursuant to subsection A if the special  
610 conservator of the peace is convicted of any offense listed in this subsection or becomes ineligible for  
611 registration or appointment as a special conservator of the peace pursuant to this subsection. All  
612 appointments for special conservators of the peace shall become void on September 15, 2004, unless they  
613 have obtained a valid registration issued by the Department of Criminal Justice Services.

614 D. Each person registered as or seeking registration as a special conservator of the peace shall be  
615 covered by evidence of a policy of (i) personal injury liability insurance, as defined in § 38.2-117; (ii)  
616 property damage liability insurance, as defined in § 38.2-118; and (iii) miscellaneous casualty insurance,

617 as defined in subsection B of § 38.2-111, which includes professional liability insurance that provides  
618 coverage for any activity within the scope of the duties of a special conservator of the peace as set forth  
619 in this section, in an amount and with coverage for each as fixed by the Board, or self-insurance in an  
620 amount and with coverage as fixed by the Board. Any person who is aggrieved by the misconduct of any  
621 person registered as a special conservator of the peace and recovers a judgment against the registrant,  
622 which is unsatisfied in whole or in part, may bring an action in his own name against the insurance policy  
623 of the registrant.

624 E. Effective July 1, 2015, all persons currently appointed or seeking appointment or reappointment  
625 as a special conservator of the peace are required to register with the Department of Criminal Justice  
626 Services, regardless of any other standing the person may have as a law-enforcement officer or other  
627 position requiring registration or licensure by the Department. The employer of any special conservator  
628 of the peace shall notify the circuit court, the Department of Criminal Justice Services, the Department of  
629 State Police, and the chief law-enforcement officer of all localities in which the special conservator of the  
630 peace is authorized to serve within 30 days after the date such individual has left employment and all  
631 powers of the special conservator of the peace shall be void. Failure to provide such notification shall be  
632 punishable by a fine of \$250 plus an additional \$50 per day for each day such notice is not provided.

633 F. When the application is made by any sheriff or chief of police, the circuit court shall specify in  
634 the order of appointment the name of the applicant authorized under subsection A and the geographic  
635 jurisdiction of the special conservator of the peace. Such appointments shall be limited to the city or county  
636 wherein application has been made. When the application is made by any corporation authorized to do  
637 business in the Commonwealth, any owner, proprietor, or authorized custodian of any place within the  
638 Commonwealth, or any museum owned and managed by the Commonwealth, the circuit court shall  
639 specify in the order of appointment the name of the applicant authorized under subsection A and the  
640 specific real property where the special conservator of the peace is authorized to serve. Such appointments  
641 shall be limited to the specific real property within the county, city, or town wherein application has been  
642 made. In the case of a corporation or other business, the court appointment may also include, for good  
643 cause shown, any real property owned or leased by the corporation or business, including any subsidiaries,



644 in other specifically named cities and counties, but shall provide that the powers of the special conservator  
645 of the peace do not extend beyond the boundaries of such real property. The clerk of the appointing circuit  
646 court shall transmit to the Department of State Police, the clerk of the circuit court of each locality where  
647 the special conservator of the peace is authorized to serve, and the sheriff or chief of police of each such  
648 locality a copy of the order of appointment that shall specify the following information: the person's  
649 complete name, address, date of birth, social security number, gender, race, height, weight, color of hair,  
650 color of eyes, firearm authority or limitation as set forth in subsection G, date of the order, and other  
651 information as may be required by the Department of State Police. The order of appointment shall use  
652 "male," "female," or an "X" marker where the "X" means unspecified or other gender identity, as  
653 applicable, when designating the gender of the special conservator of the peace. The Department of State  
654 Police shall enter the person's name and other information into the Virginia Criminal Information Network  
655 established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. The  
656 Department of State Police may charge a fee not to exceed \$10 to cover its costs associated with processing  
657 these orders. Each special conservator of the peace so appointed on application shall present his credentials  
658 to the chief of police or sheriff or his designee of all jurisdictions where he has conservator powers. If his  
659 powers are limited to certain areas of real property owned or leased by a corporation or business, he shall  
660 also provide notice of the exact physical addresses of those areas. Each special conservator shall provide  
661 to the circuit court a temporary registration letter issued by the Department of Criminal Justice Services  
662 to include the results of the background check prior to seeking an appointment by the circuit court. Once  
663 the applicant receives the appointment from the circuit court the applicant shall file the appointment order  
664 and a copy of the application with the Department of Criminal Justice Services in order to receive his  
665 special conservator of the peace registration document. If the court appointment includes any real property  
666 owned or leased by the corporation or business in other specifically named cities and counties not within  
667 the city or county wherein application has been made, the clerk of the appointing court shall transmit a  
668 copy of the order of appointment to (i) the clerk of the circuit court for each jurisdiction where the special  
669 conservator of the peace is authorized to serve and (ii) the sheriff or chief of police of each jurisdiction  
670 where the special conservator of the peace is authorized to serve.

671 If any such special conservator of the peace is the employee, agent or servant of another, his  
672 appointment as special conservator of the peace shall not relieve his employer, principal or master from  
673 civil liability to another arising out of any wrongful action or conduct committed by such special  
674 conservator of the peace while within the scope of his employment.

675 Effective July 1, 2002, no person employed by a local school board as a school security officer, as  
676 defined in § 9.1-101, shall be eligible for appointment as a conservator for purposes of maintaining safety  
677 in a public school in the Commonwealth. All appointments of special conservators of the peace granted  
678 to school security officers as defined in § 9.1-101 prior to July 1, 2002 are void.

679 G. The court may limit or prohibit the carrying of weapons by any special conservator of the peace  
680 initially appointed on or after July 1, 1996, while the appointee is within the scope of his employment as  
681 such.

682 H. The governing body of any locality or the sheriff of a county where no police department has  
683 been established may enter into mutual aid agreements with any entity employing special conservators of  
684 the peace that is located in such locality for the use of their joint forces and their equipment and materials  
685 to maintain peace and good order. Any law-enforcement officer or special conservator of the peace, while  
686 performing his duty under any such agreement, shall have the same authority as lawfully conferred on him  
687 within his own jurisdiction.

688 I. No special conservator of the peace shall display or use the word "police" on any uniform, badge,  
689 credential, or vehicle in the performance of his duties as a special conservator of the peace. Other than  
690 special conservators of the peace employed by a state agency, no special conservator of the peace shall  
691 use the seal of the Commonwealth on any uniform, badge, credential, or vehicle in the performance of his  
692 duties. However, upon request and for good cause shown, the order of appointment may provide that a  
693 special conservator of the peace who (i) meets all requirements, including the minimum compulsory  
694 training requirements, for law-enforcement officers set forth in Chapter 1 (§ 9.1-100 et seq.) of Title 9.1  
695 and (ii) is employed by the Shenandoah Valley Regional Airport Commission or the Richmond  
696 Metropolitan Transportation Authority may use the word "police" on any badge, uniform, or vehicle in

697 the performance of his duties or the seal of the Commonwealth on any badge or credential in the  
698 performance of his duties.

699 **§ 20-88.54. Pleadings and accompanying documents.**

700 A. In a proceeding under this chapter, a petitioner seeking to establish a support order, to determine  
701 parentage of a child, or to register and modify a support order of a tribunal of another state or a foreign  
702 country shall file a petition. Unless otherwise ordered under § 20-88.55, the petition or accompanying  
703 documents shall provide, so far as known, the name, residential address, and social security numbers of  
704 the obligor and the obligee or the parent and alleged parent, and the name, sex, residential address, social  
705 security number, and date of birth of each child for whose benefit support is sought or whose parentage is  
706 to be determined. The petition shall permit the choice between "male," "female," or an "X" marker where  
707 the "X" means unspecified or other gender identity, as applicable, when designating the sex of each child  
708 named in the petition. Unless filed at the time of registration, the petition shall be accompanied by a copy  
709 of any support order known to have been issued by another tribunal. The petition may include any other  
710 information that may assist in locating or identifying the respondent.

711 B. The petition shall specify the relief sought. The petition and accompanying documents shall  
712 conform substantially with the requirements imposed by the forms mandated by federal law for use in  
713 cases filed by a support enforcement agency.

714 **§ 22.1-287.1. Directory information.**

715 A. Notwithstanding §§ 22.1-287 and 22.1-288, directory information, as defined by the federal  
716 Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) (FERPA), and which may include a  
717 student's name, sex, address, telephone listing, date and place of birth, major field of study, participation  
718 in officially recognized activities and sports, weight and height as a member of an athletic team, dates of  
719 attendance, degrees and awards received, and other similar information, may be disclosed in accordance  
720 with federal and state law and regulations, provided that the school has given notice to the parent or  
721 eligible student of (i) the types of information that the school has designated as directory information, (ii)  
722 the right of the parent or eligible student to refuse the designation of any or all of the types of information  
723 about the student as directory information, and (iii) the period of time within which the parent or eligible

724 student must notify the school in writing that he does not want any or all of the types of information about  
725 the student designated as directory information. Such directory information shall permit the choice  
726 between "male," "female," or an "X" marker where the "X" means unspecified or other gender identity,  
727 as applicable, when designating the sex of a student. However, no school shall disclose the address,  
728 telephone number, or email address of a student pursuant to the Virginia Freedom of Information Act (§  
729 2.2-3700 et seq.) unless the parent or eligible student has affirmatively consented in writing to such  
730 disclosure. Additionally, except as required by state or federal law, no school shall disclose the address,  
731 telephone number, or email address of a student pursuant to 34 C.F.R. § 99.31(a)(11) unless (a) the  
732 disclosure is to students enrolled in the school or to school board employees for educational purposes or  
733 school business and the parent or eligible student has not opted out of such disclosure in accordance with  
734 this subsection and school board policy or (b) the parent or eligible student has affirmatively consented in  
735 writing to such disclosure. This subsection shall not apply to any disclosure, other than a disclosure  
736 pursuant to 34 C.F.R. § 99.31(a)(11), permitted under FERPA.

737 B. For purposes of this section, an "eligible student" is a student 18 years of age or older or a  
738 student under the age of 18 who is emancipated.

739 **§ 23.1-405. Student records and personal information; social media.**

740 A. As used in this section:

741 "Social media account" means a personal account with an electronic medium or service through  
742 which users may create, share, or view user-generated content, including, without limitation, videos,  
743 photographs, blogs, podcasts, messages, emails, or website profiles or locations. "Social media account"  
744 does not include an account (i) opened by a student at the request of a public or private institution of higher  
745 education or (ii) provided to a student by a public or private institution of higher education such as the  
746 student's email account or other software program owned or operated exclusively by a public or private  
747 institution of higher education.

748 B. Each public institution of higher education and private institution of higher education may  
749 require any student who attends, or any applicant who has been accepted to and has committed to attend,  
750 such institution to provide, to the extent available, from the originating secondary school and, if applicable,

751 any institution of higher education he has attended a complete student record, including any mental health  
752 records held by the previous school or institution. Such records shall be kept confidential as required by  
753 state and federal law, including the federal Family Educational Rights and Privacy Act (20 U.S.C. §  
754 1232g)(FERPA).

755 C. Student directory information, as defined by FERPA, and which may include a student's name,  
756 sex, address, telephone listing, date and place of birth, major field of study, participation in officially  
757 recognized activities and sports, weight and height as a member of an athletic team, dates of attendance,  
758 degrees and awards received, and other similar information, may be disclosed, provided that the institution  
759 has given notice to the student of (i) the types of information that the institution has designated as directory  
760 information, (ii) the right of the student to refuse the designation of any or all of the types of information  
761 about the student as directory information, and (iii) the period of time within which the student must notify  
762 the institution in writing that he does not want any or all of the types of information about the student  
763 designated as directory information. Such directory information shall permit the choice between "male,"  
764 "female," or an "X" marker where the "X" means unspecified or other gender identity, as applicable, when  
765 designating the sex of a student. However, no institution shall disclose the address, telephone number, or  
766 email address of a student pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) unless  
767 the student has affirmatively consented in writing to such disclosure. Additionally, except as required by  
768 state or federal law, no institution shall disclose the address, telephone number, or email address of a  
769 student pursuant to 34 C.F.R. § 99.31(a)(11) unless (a) the disclosure is to students enrolled in the  
770 institution for educational purposes or institution business and the student has not opted out of such  
771 disclosure in accordance with this subsection and institution policy or (b) the student has affirmatively  
772 consented in writing to such disclosure except as required by state or federal law. This subsection shall  
773 not apply to disclosures, other than disclosures pursuant to 34 C.F.R. § 99.31(a)(11), permitted under  
774 FERPA.

775 D. No public institution of higher education shall sell students' personal information, including  
776 names, addresses, phone numbers, and email addresses, to any person. This subsection shall not apply to

777 transactions involving credit, debit, employment, finance, identity verification, risk assessment, fraud  
778 prevention, or other transactions initiated by the student.

779 E. No public or private institution of higher education shall require a student to disclose the  
780 username or password to any of such student's personal social media accounts. Nothing in this subsection  
781 shall prevent a campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 from  
782 performing his official duties.

783 **§ 23.1-407. Reporting of enrollment information to Sex Offender and Crimes Against Minors**  
784 **Registry.**

785 A. Each associate-degree-granting and baccalaureate (i) public institution of higher education and  
786 (ii) private institution of higher education shall electronically transmit the complete name, social security  
787 number or other identifying number, date of birth, and gender of each applicant accepted to attend the  
788 institution to the Department of State Police, in a format approved by the Department of State Police, for  
789 comparison with information contained in the Virginia Criminal Information Network and National Crime  
790 Information Center Sex Offender Registry File. Such data shall permit the choice between "male,"  
791 "female," or an "X" marker where the "X" means unspecified or other gender identity, as applicable, when  
792 designating the gender of each applicant. Such data shall be transmitted (a) before an accepted applicant  
793 becomes a student in attendance pursuant to 20 U.S.C. § 1232g(a)(6) or (b) in the case of institutions with  
794 a rolling or instantaneous admissions policy, in accordance with guidelines developed by the Department  
795 of State Police in consultation with the Council.

796 B. Whenever it appears from the records of the Department of State Police that an accepted  
797 applicant has failed to comply with the duty to register, reregister, or verify his registration information  
798 pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the Department of State Police shall promptly  
799 investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in  
800 obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the institution of  
801 higher education is located.

802 **§ 24.2-418. Application for registration.**

803 A. Each applicant to register shall provide, subject to felony penalties for making false statements  
804 pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless  
805 physically disabled, he shall sign the application. The application to register shall be only on a form or  
806 forms prescribed by the State Board.

807 The form of the application to register shall require the applicant to provide the following  
808 information: full name; gender; date of birth; social security number, if any; whether the applicant is  
809 presently a United States citizen; address of residence in the precinct; place of last previous registration  
810 to vote; and whether the applicant has ever been adjudicated incapacitated and disqualified to vote or  
811 convicted of a felony, and if so, whether the applicant's right to vote has been restored. The registration  
812 application shall permit the choice between "male," "female," or an "X" marker where the "X" means  
813 unspecified or other gender identity, as applicable, when designating the gender of the applicant. The form  
814 shall contain a statement that whoever votes more than once in any election in the same or different  
815 jurisdictions is guilty of a Class 6 felony. Unless directed by the applicant or as permitted in § 24.2-411.2  
816 or 24.2-411.3, the registration application shall not be pre-populated with information the applicant is  
817 required to provide.

818 The form of the application to register shall request that the applicant provide his telephone number  
819 and email address, but no application shall be denied for failure to provide such information.

820 B. The form shall permit any individual, as follows, or member of his household, to furnish, in  
821 addition to his residence street address, a post office box address located within the Commonwealth to be  
822 included in lieu of his street address on the lists of registered voters and persons who voted, which are  
823 furnished pursuant to §§ 24.2-405 and 24.2-406, on voter registration records made available for public  
824 inspection pursuant to § 24.2-444, or on lists of absentee voter applicants furnished pursuant to § 24.2-  
825 706 or 24.2-710. The voter shall comply with the provisions of § 24.2-424 for any change in the post  
826 office box address provided under this subsection.

827 1. Any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C. §  
828 8331(20), but excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20);

829 2. Any party granted a protective order issued by or under the authority of any court of competent  
830 jurisdiction, including but not limited to courts of the Commonwealth of Virginia;

831 3. Any party who has furnished a signed written statement by the party that he is in fear for his  
832 personal safety from another person who has threatened or stalked him;

833 4. Any party participating in the address confidentiality program pursuant to § 2.2-515.2;

834 5. Any active or retired federal or Virginia justice, judge, or magistrate and any active or retired  
835 attorney employed by the United States Attorney General or Virginia Attorney General; and

836 6. Any person who has been approved to be a foster parent pursuant to Chapter 9 (§ 63.2-900 et  
837 seq.) of Title 63.2.

838 C. If the applicant formerly resided in another state, the general registrar shall send the information  
839 contained in the applicant's registration application to the appropriate voter registration official or other  
840 authority of another state where the applicant formerly resided, as prescribed in subdivision 15 of § 24.2-  
841 114.

842 **§ 24.2-444. Duties of general registrars and Department of Elections as to voter registration**  
843 **records; public inspection; exceptions.**

844 A. Registration records shall be kept and preserved by the general registrar in compliance with §§  
845 2.2-3803, 2.2-3808, and 24.2-114. The Department shall provide to each general registrar, for each  
846 precinct in his county or city, lists of registered voters for inspection. The lists shall contain the name,  
847 address, year of birth, gender and all election districts applicable to each registered voter. The lists shall  
848 use "male," "female," or an "X" marker where the "X" means unspecified or other gender identity, as  
849 applicable, when designating the gender of registered voters. The lists shall be opened to public inspection  
850 at the office of the general registrar when the office is open for business. New lists shall be provided not  
851 less than once each year to all localities except those in which an updated list is made available  
852 electronically for public inspection, and supplements containing additions, deletions, and changes shall be  
853 provided not less than (i) weekly during the 60 days preceding any general election and (ii) monthly at  
854 other times. Notwithstanding any other provision of law regarding the retention of records, upon receipt  
855 of any new complete list, the general registrar shall destroy the obsolete list and its supplements. The



856 Department shall provide to each general registrar lists of persons denied registration for public inspection.  
857 Such lists may be provided electronically through the Virginia voter registration system and produced in  
858 whole or in part upon a request for public inspection.

859 B. The general registrars shall maintain for at least two years and shall make available for public  
860 inspection and copying and, where available, photocopying at a reasonable cost, all records concerning  
861 the implementation of programs and activities conducted for the purpose of ensuring the accuracy and  
862 currency of the registration records pursuant to §§ 24.2-427, 24.2-428 and 24.2-428.1, including lists of  
863 the names and addresses of all persons to whom notices are sent, and information concerning whether  
864 each person has responded to the notice as of the date that inspection of the records is made.

865 C. No list provided by the Department under subsection A nor any record made available for public  
866 inspection under subsection B shall contain any of the following information: (i) an individual's social  
867 security number, or any part thereof; (ii) the residence address of an individual who has furnished a post  
868 office box address in lieu of his residence address as authorized by subsection B of § 24.2-418; (iii) the  
869 declination by an individual to register to vote and related records; (iv) the identity of a voter registration  
870 agency through which a particular voter is registered; or (v) the day and month of birth of an individual.  
871 No voter registration records other than the lists provided by the Department under subsection A and the  
872 records made available under subsection B shall be open to public inspection.

873 **§ 30-394. Citizen commissioners; application process; qualifications; selection.**

874 A. Within three days following the selection of the fifth member of the Committee, the Committee  
875 shall adopt an application and process by which residents of the Commonwealth may apply to serve on  
876 the Commission as citizen commissioners. The Division of Legislative Services shall assist the Committee  
877 in the development of the application and process.

878 The application for service on the Commission shall require applicants to provide personal contact  
879 information and information regarding the applicant's race, ethnicity, gender, age, date of birth, education,  
880 and household income. The application shall permit the choice between "male," "female," or an "X"  
881 marker where the "X" means unspecified or other gender identity, as applicable, when designating the  
882 gender of the applicant. The application shall require an applicant to disclose, for the period of three years

883 immediately preceding the application period, the applicant's (i) voter registration status; (ii) preferred  
884 political party affiliation, if any, and any political party primary elections in which he has voted; (iii)  
885 history of any partisan public offices or political party offices held or sought; (iv) employment history,  
886 including any current or prior employment with the Congress of the United States or one of its members,  
887 the General Assembly or one of its members, any political party, or any campaign for a partisan public  
888 office, including a volunteer position; and (v) relevant leadership experience or involvements with  
889 professional, social, political, volunteer, and community organizations and causes.

890 The application shall require an applicant to disclose information regarding the partisan activities  
891 and employment history of the applicant's parent, spouse, child, sibling, parent-in-law, child-in-law, or  
892 sibling-in-law, or any person with whom the applicant is a cohabitating member of a household, for the  
893 period of three years immediately preceding the application period.

894 The Committee may require applicants to submit three letters of recommendation from individuals  
895 or organizations.

896 The application process shall provide for both paper and electronic or online applications. The  
897 Committee shall cause to be advertised throughout the Commonwealth information about the Commission  
898 and how interested persons may apply.

899 B. To be eligible for service on the Commission, a person shall have been a resident of the  
900 Commonwealth and a registered voter in the Commonwealth for three years immediately preceding the  
901 application period. He shall have voted in at least two of the previous three general elections. No person  
902 shall be eligible for service on the Commission who:

- 903 1. Holds, has held, or has sought partisan public office or political party office;
- 904 2. Is employed by or has been employed by a member of the Congress of the United States or of  
905 the General Assembly or is employed directly by or has been employed directly by the United States  
906 Congress or by the General Assembly;
- 907 3. Is employed by or has been employed by any federal, state, or local campaign;
- 908 4. Is employed by or has been employed by any political party or is a member of a political party  
909 central committee;

910           5. Is a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or a  
911 lobbyist's principal as defined in § 2.2-419 or has been such a lobbyist or lobbyist's principal in the  
912 previous five years; or

913           6. Is a parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-in-law of a person  
914 described in subdivisions 1 through 5, or is a cohabitating member of a household with such a person.

915           C. The application period shall begin no later than December 1 of the year ending in zero and shall  
916 end four weeks after the beginning date. During this period, interested persons shall submit a completed  
917 application and any required documentation to the Division of Legislative Services. All applications shall  
918 be reviewed by the Division of Legislative Services to ensure an applicant's eligibility for service pursuant  
919 to subsection B, and any applicant who is ineligible for service shall be removed from the applicant pool.

920           The Division of Legislative Services shall make available the application for persons to use when  
921 submitting a paper application and shall provide electronic access for electronic submission of  
922 applications.

923           D. Within two days of the close of the application period, the Division of Legislative Services shall  
924 provide to the Speaker of the House of Delegates, the leader in the House of Delegates of the political  
925 party having the next highest number of members in the House of Delegates, the President pro tempore  
926 of the Senate of Virginia, and the leader in the Senate of Virginia of the political party having the next  
927 highest number of members in the Senate of Virginia the applications and documentation submitted by  
928 those applicants who are eligible for service on the Commission pursuant to subsection B and submitted  
929 complete applications, including any required documentation.

930           E. By January 1 of the year ending in one, those persons receiving the applications pursuant to  
931 subsection D shall each submit to the Committee a list of at least 16 citizen candidates for service on the  
932 Commission. In selecting citizen candidates, they shall give consideration to the racial, ethnic, geographic,  
933 and gender diversity of the Commonwealth.

934           They shall notify the Division of Legislative Services of the citizen candidates submitted to the  
935 Committee for consideration, and the Division of Legislative Services shall promptly provide to the

936 Committee the applications and documentation for each citizen candidate being considered. Only the  
937 applications and documentation for each citizen candidate shall be maintained as public records.

938 F. Within two weeks of receipt of the lists of citizen candidates and related materials pursuant to  
939 subsection E, but no later than January 15, the Committee shall select, by a majority vote in a public  
940 meeting, two citizen members from each list submitted. In making its selections, the Committee shall  
941 ensure the citizen commissioners are, as a whole, representative of the racial, ethnic, geographic, and  
942 gender diversity of the Commonwealth. The Committee shall promptly notify those eight citizens of their  
943 selection to serve as a citizen commissioner of the Commission.

944 No member of the Committee shall communicate with a member of the General Assembly or the  
945 United States Congress, or any person acting on behalf of a member of the General Assembly or the United  
946 States Congress, about any matter related to the selection of citizen commissioners after receipt of the lists  
947 submitted pursuant to subsection E.

948 G. Notwithstanding the provisions of § 1-210 regarding the computation of time, if an act required  
949 by this section is to be performed on a Saturday, Sunday, or legal holiday, or any day or part of a day on  
950 which the government office where the act to be performed is closed, the act required shall be performed  
951 on the first business day immediately preceding the Saturday, Sunday, or legal holiday, or day on which  
952 the government office is closed.

953 **§ 32.1-261. New certificate of birth established on proof of adoption, legitimation or**  
954 **determination of paternity, or change of sex.**

955 A. The State Registrar shall establish a new certificate of birth for a person born in the  
956 Commonwealth upon receipt of the following:

- 957 1. An adoption report as provided in § 32.1-262, a report of adoption prepared and filed in  
958 accordance with the laws of another state or foreign country, or a certified copy of the decree of adoption  
959 together with the information necessary to identify the original certificate of birth and to establish a new  
960 certificate of birth; except that a new certificate of birth shall not be established if so requested by the  
961 court decreeing the adoption, the adoptive parents, or the adopted person if 18 years of age or older.

962 2. A request that a new certificate be established and such evidence as may be required by  
963 regulation of the Board proving that such person has been legitimated or that a court of the Commonwealth  
964 has, by final order, determined the paternity of such person. The request shall state that no appeal has been  
965 taken from the final order and that the time allowed to perfect an appeal has expired.

966 3. An order entered pursuant to subsection D of § 20-160. The order shall contain sufficient  
967 information to identify the original certificate of birth and to establish a new certificate of birth in the  
968 names of the intended parents.

969 4. A surrogate consent and report form as authorized by § 20-162. The report shall contain  
970 sufficient information to identify the original certificate of birth and to establish a new certificate of birth  
971 in the names of the intended parents.

972 5. Upon request of a person and in accordance with requirements of the Board, the State Registrar  
973 shall issue a new certificate of birth to show a change of sex of the person and, if a certified copy of a  
974 court order changing the person's name is submitted, to show a new name. Requirements related to  
975 obtaining a new certificate of birth to show a change of sex shall include a requirement that the person  
976 requesting the new certificate of birth submit a form furnished by the State Registrar and completed by a  
977 health care provider from whom the person has received treatment stating that the person has undergone  
978 clinically appropriate treatment for gender transition. Requirements related to obtaining a new certificate  
979 of birth to show a change of sex shall not include any requirement for evidence or documentation of any  
980 medical procedure. Applicants for a new certificate of birth to show a change of sex shall be permitted to  
981 choose between "male," "female," or an "X" marker where the "X" means unspecified or other gender  
982 identity, as applicable, when designating the sex of such applicant.

983 6. Nothing in this section shall deprive the circuit court of equitable jurisdiction to adjudicate, upon  
984 application of a person, that the sex of such person residing within the territorial jurisdiction of the circuit  
985 court has been changed. In such an action, the person may petition for the application of the standard of  
986 the person's jurisdiction of birth; otherwise, the requirements of this section shall apply.

987 B. When a new certificate of birth is established pursuant to subsection A, the actual place and  
988 date of birth shall be shown. It shall be substituted for the original certificate of birth. Thereafter, the

989 original certificate and the evidence of adoption, paternity or legitimation shall be sealed and filed and not  
990 be subject to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-  
991 252. However, upon receipt of notice of a decision or order granting an adult adopted person access to  
992 identifying information regarding his birth parents from the Commissioner of Social Services or a circuit  
993 court, and proof of identification and payment, the State Registrar shall mail an adult adopted person a  
994 copy of the original certificate of birth.

995 C. Upon receipt of a report of an amended decree of adoption, the certificate of birth shall be  
996 amended as provided by regulation.

997 D. Upon receipt of notice or decree of annulment of adoption, the original certificate of birth shall  
998 be restored to its place in the files and the new certificate and evidence shall not be subject to inspection  
999 except upon order of a court of the Commonwealth or in accordance with § 32.1-252.

1000 E. The State Registrar shall, upon request, establish and register a Virginia certificate of birth for  
1001 a person born in a foreign country (i) upon receipt of a report of adoption for an adoption finalized pursuant  
1002 to the laws of the foreign country as provided in subsection B of § 63.2-1200.1, or (ii) upon receipt of a  
1003 report or final order of adoption entered in a court of the Commonwealth as provided in § 32.1-262;  
1004 however, a Virginia certificate of birth shall not be established or registered if so requested by the court  
1005 decreeing the adoption, the adoptive parents or the adopted person if 18 years of age or older. If a circuit  
1006 court of the Commonwealth corrects or establishes a date of birth for a person born in a foreign country  
1007 during the adoption proceedings or upon a petition to amend a certificate of foreign birth, the State  
1008 Registrar shall issue a certificate showing the date of birth established by the court. After registration of  
1009 the birth certificate in the new name of the adopted person, the State Registrar shall seal and file the report  
1010 of adoption which shall not be subject to inspection except upon order of a court of the Commonwealth  
1011 or in accordance with § 32.1-252. The birth certificate shall (i) show the true or probable foreign country  
1012 of birth and (ii) state that the certificate is not evidence of United States citizenship for the child for whom  
1013 it is issued or for the adoptive parents. However, for any adopted person who has attained United States  
1014 citizenship, the State Registrar shall, upon request and receipt of evidence demonstrating such citizenship,  
1015 establish and register a new certificate of birth that does not contain the statement required by clause (ii).

1016 F. If no certificate of birth is on file for the person for whom a new certificate is to be established  
1017 under this section, a delayed certificate of birth shall be filed with the State Registrar as provided in §  
1018 32.1-259 or 32.1-260 before a new certificate of birth is established, except that when the date and place  
1019 of birth and parentage have been established in the adoption proceedings, a delayed certificate shall not  
1020 be required.

1021 G. When a new certificate of birth is established pursuant to subdivision A 1, the State Registrar  
1022 shall issue along with the new certificate of birth a document, furnished by the Department of Social  
1023 Services pursuant to § 63.2-1220, listing all post-adoption services available to adoptive families.

1024 **§ 32.1-267. Records of marriages; duties of officer issuing marriage license and person**  
1025 **officiating at ceremony; blocking of social security number.**

1026 A. For each marriage performed in the Commonwealth, a record showing personal data, including  
1027 the age of the married parties, the marriage license, and the certifying statement of the facts of marriage,  
1028 shall be filed with the State Registrar as provided in this section. If such record requires the sex or gender  
1029 of the parties to the marriage, the record shall use "male," "female," or an "X" marker where the "X"  
1030 means unspecified or other gender identity, as applicable, when designating the sex or gender of the parties  
1031 to the marriage.

1032 B. The officer issuing a marriage license shall prepare the record based on the information obtained  
1033 under oath or by affidavit from the parties to be married. The parties shall also include their social security  
1034 numbers or other control numbers issued by the Department of Motor Vehicles pursuant to § 46.2-342  
1035 and affix their signatures to the application for such license.

1036 C. Every person who officiates at a marriage ceremony shall certify to the facts of marriage and  
1037 file the record in duplicate with the officer who issued the marriage license within five days after the  
1038 ceremony. In the event such officiant dies or becomes incapacitated before completing the certificate of  
1039 marriage, the official who issued the marriage license shall complete the certificate of marriage upon the  
1040 order of the court to which is submitted proof that the marriage was performed.

1041 D. Every officer issuing marriage licenses shall on or before the tenth day of each calendar month  
1042 forward to the State Registrar a record of each marriage filed with him during the preceding calendar  
1043 month.

1044 E. The State Registrar shall furnish forms for the marriage license, marriage certificate, and  
1045 application for marriage license used in the Commonwealth. Such forms shall be configured so as to cause  
1046 the social security number or control number required pursuant to the provisions of subsection B to appear  
1047 only on the application for marriage license retained by the officer issuing the marriage license and the  
1048 copy of such license forwarded to the State Registrar pursuant to the provisions of subsection D.

1049 F. Applications for marriage licenses filed on and after July 1, 1997, and marriage registers  
1050 recording such applications, which have not been configured to prevent disclosure of the social security  
1051 number or control number required pursuant to the provisions of subsection B shall not be available for  
1052 general public inspection in the offices of clerks of the circuit courts. The clerk shall make such  
1053 applications and registers available for inspection only (i) upon the order of the circuit court within which  
1054 such application was made or register is maintained, (ii) pursuant to a lawful subpoena duces tecum issued  
1055 to the clerk, (iii) upon the written authorization of either of the applicants, or (iv) upon the request of a  
1056 law-enforcement officer or duly authorized representative of the Division of Child Support Enforcement  
1057 in the course of performing his official duties. Nothing in this subsection shall be construed to restrict  
1058 public access to marriage licenses or to prohibit the clerk from making available to the public applications  
1059 for marriage licenses and marriage registers stored in any electronic medium or other format that permits  
1060 the blocking of the field containing the social security or control number required pursuant to the  
1061 provisions of subsection B, so long as access to such number is blocked.

1062 **§ 32.1-269.1. Amending death certificates; change and correction of demographic**  
1063 **information by affidavit or court order.**

1064 A. Notwithstanding § 32.1-276, a death certificate registered under this chapter may be amended  
1065 only in accordance with this section and such regulations as may be adopted by the Board to protect the  
1066 integrity and accuracy of such death certificate. Such regulations shall specify the minimum evidence  
1067 required for a change in any such death certificate.



1068 B. A death certificate that is amended under this section shall be marked "amended," and the date  
1069 of amendment and a summary description of the evidence submitted in support of the amendment shall  
1070 be endorsed on or made a part of the death certificate. The Board shall prescribe by regulation the  
1071 conditions under which omissions or errors on death certificates may be corrected.

1072 C. The State Registrar, upon receipt of an affidavit and supporting evidence testifying to corrected  
1073 information on a death certificate within 45 days of the filing of a death certificate, shall amend such death  
1074 certificate to reflect the new information and evidence.

1075 D. The State Registrar, upon receipt of an affidavit and supporting evidence testifying to corrected  
1076 information on a death certificate more than 45 days after the filing of a death certificate, including the  
1077 correct spelling of the name of the deceased, the deceased's parent or spouse, or the informant; the sex,  
1078 age, race, date of birth, place of birth, citizenship, social security number, education, occupation or kind  
1079 or type of business, military status, or date of death of the deceased; the place of residence of the deceased,  
1080 if located within the Commonwealth; the name of the institution; the county, city, or town where the death  
1081 occurred; or the street or place where the death occurred, shall amend such death certificate to reflect the  
1082 new information and evidence. The State Registrar shall permit the choice between "male," "female," or  
1083 an "X" marker where the "X" means unspecified or other gender identity, as applicable, when designating  
1084 the sex of the deceased.

1085 E. For death certificate amendments received more than 45 days after the filing of a death  
1086 certificate, other than the correction of information by the State Registrar pursuant to subsection D, the  
1087 surviving spouse or immediate family, as defined by the regulations of the Board, of the deceased;  
1088 attending funeral service licensee; or other reporting source may file a petition with the circuit court of  
1089 the county or city in which the decedent resided as of the date of his death, or the Circuit Court of the City  
1090 of Richmond, requesting an order to amend a death certificate, along with an affidavit sworn to under oath  
1091 that supports such request. A copy of the petition shall be served upon (i) the State Registrar pursuant to  
1092 Chapter 8 (§ 8.01-285 et seq.) of Title 8.01 and (ii) any person listed as an informant on the death  
1093 certificate, unless such person provides an affidavit in support of such petition. The clerk shall submit  
1094 such petition and any evidence received with the petition to the judge for entry of an order without the

1095 necessity of a hearing, unless the judge decides a hearing is necessary. The clerk shall transmit a certified  
1096 copy of the court's order to the State Registrar, who shall amend such death certificate in accordance with  
1097 the order. The matters for which a petition may be filed include changing the name of the deceased, the  
1098 deceased's parent or spouse, or the informant; the marital status of the deceased; or the place of residence  
1099 of the deceased, when the place of residence is outside the Commonwealth.

1100 F. When an applicant, as defined by the regulations of the Board, does not submit the minimum  
1101 documentation required by regulation to amend a death certificate or when the State Registrar finds reason  
1102 to question the validity or sufficiency of the evidence, the death certificate shall not be amended and the  
1103 State Registrar shall so advise the applicant. An aggrieved applicant may petition the circuit court of the  
1104 county or city in which he resides, or the Circuit Court of the City of Richmond, for an order compelling  
1105 the State Registrar to amend the death certificate; an aggrieved applicant who is currently residing out of  
1106 state may petition any circuit court in the Commonwealth for such an order. A copy of the petition shall  
1107 be served upon (i) the State Registrar pursuant to Chapter 8 (§ 8.01-285 et seq.) of Title 8.01 and (ii) any  
1108 person listed as an informant on the death certificate, unless such person provides an affidavit in support  
1109 of such petition. The clerk shall submit such petition and any evidence received with the petition to the  
1110 judge for entry of an order without the necessity of a hearing, unless the judge decides a hearing is  
1111 necessary. The State Registrar or his authorized representative may appear and testify in such proceeding.  
1112 The clerk shall transmit a certified copy of the court's order to the State Registrar, who shall amend such  
1113 death certificate in accordance with the order.

1114 **§ 32.1-292.2. The Virginia Donor Registry.**

1115 A. In order to save lives by reducing the shortage of organs and tissues for transplantation and to  
1116 implement cost savings for patients and various state agencies by eliminating needless bureaucracy, there  
1117 is hereby established the Virginia Donor Registry (~~hereinafter referred to as the Registry~~), which shall be  
1118 created, compiled, operated, maintained, and modified as necessary by the Virginia Transplant Council in  
1119 accordance with the regulations of the Board of Health and the administration of the Department of Health.  
1120 At its sole discretion, the Virginia Transplant Council may contract with a third party or parties to create,  
1121 compile, operate, maintain, or modify the Registry. Pertinent information on all Virginians who have

1122 indicated a willingness to donate organs and tissues in accordance with the Revised Uniform Anatomical  
1123 Gift Act (§ 32.1-291.1 et seq.) shall be compiled, maintained, and modified as necessary in the Registry  
1124 by the Virginia Transplant Council.

1125 B. The Registry and all information therein shall be confidential and subject to access only by  
1126 personnel of the Department of Health and designated organ procurement organizations, eye banks, and  
1127 tissue banks, operating in or serving Virginia that are members of the Virginia Transplant Council, for the  
1128 purpose of identifying and determining the suitability of a potential donor according to the provisions of  
1129 subdivision B 4 of § 32.1-127 or subsection G of § 46.2-342.

1130 C. The purpose of the Registry shall include, but not be limited to:

1131 1. Providing a means of recovering an anatomical gift for transplantation, therapy, education, or  
1132 research as authorized by the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.) and subsection  
1133 G of § 46.2-342; and

1134 2. Collecting data to develop and evaluate the effectiveness of educational initiatives promoting  
1135 organ, eye, and tissue donation that are conducted or coordinated by the Virginia Transplant Council or  
1136 its members.

1137 D. The Board, in consultation with the Virginia Transplant Council, shall promulgate regulations  
1138 necessary to create, compile, operate, maintain, modify as necessary, and administer the Virginia Donor  
1139 Registry. The regulations shall include, but not be limited to:

1140 1. Recording the data subject's full name, address, sex, birth date, age, driver's license number or  
1141 unique identifying number, and other pertinent identifying personal information. Such regulations shall  
1142 permit the choice between "male," "female," or an "X" marker where the "X" means unspecified or other  
1143 gender identity, as applicable, when designating the sex of the data subject;

1144 2. Authorizing the Virginia Transplant Council to analyze Registry data under research protocols  
1145 that are designed to identify and assess the effectiveness of mechanisms to promote and increase organ,  
1146 eye, and tissue donation within the Commonwealth; and

1147 3. Providing that any Virginian whose name has been placed in the registry may have his name  
1148 deleted by filing an appropriate form with the Virginia Transplant Council or in accordance with the  
1149 Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.).

1150 **§ 40.1-96. Contents of employment certificates.**

1151 The employment certificate required to be issued shall state the name, sex, date of birth, and place  
1152 of residence of the child. The employment certificate shall permit the choice between "male," "female,"  
1153 or an "X" marker where the "X" means unspecified or other gender identity, as applicable, when  
1154 designating the sex of the child. It shall certify that all the conditions and requirements for issuing an  
1155 employment certificate under the provisions of this chapter have been fulfilled and shall be signed by the  
1156 Commissioner. It shall state the kind of evidence of age accepted for the employment certificate. Except  
1157 for work coming within one of the exceptions in § 40.1-79.01, the certificate shall show the name and  
1158 address of the employer for whom and the nature of the specific occupation in which the employment  
1159 certificate authorizes the child to be employed and shall be valid only for the occupation so designated. It  
1160 shall bear a number, shall show the date of its issue, and shall be signed by the child for whom it is issued  
1161 by means specified by the Commissioner. The employment certificate shall be issued to the employer, by  
1162 means specified by the Commissioner, on or prior to the first day of employment. The employer and  
1163 Commissioner shall retain a manual or electronic copy of the certificate, so long as the youth is employed  
1164 or for a period of 36 months, whichever is longer.

1165 **§ 40.1-102. Issuance of theatrical permit.**

1166 No permit shall be issued unless the Commissioner is satisfied that the environment in which the  
1167 drama, play, performance, concert or entertainment is to be produced is a proper environment for the child  
1168 and that the conditions of such employment are not detrimental to the health or morals of such child and  
1169 that the child's education will not be neglected or hampered by its participation in such drama, play,  
1170 performance, concert or entertainment. Applications for permits and every permit granted shall specify  
1171 the name, age and sex of each child, together with such other facts as may be necessary for the proper  
1172 identification of each child and the dates when, and the theaters or other places of amusement in which  
1173 such drama, play, performance, concert or entertainment is to be produced and shall specify the name of

1174 the drama, play, performance, concert or entertainment in which each child is permitted to participate.  
1175 Such application shall permit, and the permit shall reflect, the choice between "male," "female," or an "X"  
1176 marker where the "X" means unspecified or other gender identity, as applicable, when designating the sex  
1177 of the child. Such application shall be filed with the Commissioner not less than five days before the date  
1178 of such drama, play, performance, concert or entertainment. A permit shall be revocable by the  
1179 Commissioner should it be found that the environment in which the drama, play, performance, concert or  
1180 entertainment is being produced is not a proper environment for the child and that the conditions of such  
1181 employment are detrimental to the health or morals of such child. The Commissioner shall prescribe and  
1182 supply the forms required for carrying out the provisions of this section.

1183 **§ 46.2-323. Application for driver's license; proof of completion of driver education**  
1184 **program; penalty.**

1185 A. Every application for a driver's license, temporary driver's permit, learner's permit, or  
1186 motorcycle learner's permit shall be made on a form prescribed by the Department and the applicant shall  
1187 write his usual signature in ink in the space provided on the form. The form shall include notice to the  
1188 applicant of the duty to register with the Department of State Police as provided in Chapter 9 (§ 9.1-900  
1189 et seq.) of Title 9.1, if the applicant has been convicted of an offense for which registration with the Sex  
1190 Offender and Crimes Against Minors Registry is required.

1191 B. Every application shall state the full legal name, year, month, and date of birth, social security  
1192 number, sex, and residence address of the applicant; whether or not the applicant has previously been  
1193 licensed as a driver and, if so, when and by what state, and whether or not his license has ever been  
1194 suspended or revoked and, if so, the date of and reason for such suspension or revocation. Applicants shall  
1195 be permitted to choose between "male," "female," or ~~"non-binary"~~ an "X" marker where the "X" means  
1196 unspecified or other gender identity, as applicable, when designating the applicant's sex on the driver's  
1197 license application form. The Department, as a condition for the issuance of any driver's license, temporary  
1198 driver's permit, learner's permit, or motorcycle learner's permit shall require the surrender of any driver's  
1199 license or, in the case of a motorcycle learner's permit, a motorcycle license issued by another state and  
1200 held by the applicant. The applicant shall also answer any questions on the application form or otherwise

1201 propounded by the Department incidental to the examination. The applicant may also be required to  
1202 present proof of identity, residency, and social security number or non-work authorized status, if required  
1203 to appear in person before the Department to apply.

1204           The Commissioner shall require that each application include a certification statement to be signed  
1205 by the applicant under penalty of perjury, certifying that the information presented on the application is  
1206 true and correct.

1207           If the applicant fails or refuses to sign the certification statement, the Department shall not issue  
1208 the applicant a driver's license, temporary driver's permit, learner's permit or motorcycle learner's permit.

1209           Any applicant who knowingly makes a false certification or supplies false or fictitious evidence  
1210 shall be punished as provided in § 46.2-348.

1211           C. Every application for a driver's license shall include a photograph of the applicant supplied  
1212 under arrangements made by the Department. The photograph shall be processed by the Department so  
1213 that the photograph can be made part of the issued license.

1214           D. Notwithstanding the provisions of § 46.2-334, every applicant for a driver's license who is under  
1215 18 years of age shall furnish the Department with satisfactory proof of his successful completion of a  
1216 driver education program approved by the State Department of Education.

1217           E. Every application for a driver's license submitted by a person less than 18 years old and  
1218 attending a public school in the Commonwealth shall be accompanied by a document, signed by the  
1219 applicant's parent or legal guardian, authorizing the principal, or his designee, of the school attended by  
1220 the applicant to notify the juvenile and domestic relations district court within whose jurisdiction the minor  
1221 resides when the applicant has had 10 or more unexcused absences from school on consecutive school  
1222 days.

1223           F. The Department shall electronically transmit application information to the Department of State  
1224 Police, in a format approved by the State Police, for comparison with information contained in the Virginia  
1225 Criminal Information Network and National Crime Information Center Convicted Sexual Offender  
1226 Registry Files, at the time of issuance of a driver's license, temporary driver's permit, learner's permit, or  
1227 motorcycle learner's permit. Whenever it appears from the records of the State Police that a person has

1228 failed to comply with the duty to register, reregister, or verify his registration information pursuant to  
1229 Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is  
1230 probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment  
1231 charging a violation of § 18.2-472.1 in the jurisdiction in which the person made application of licensure.

1232 **§ 46.2-341.12. Application for commercial driver's license or commercial learner's permit.**

1233 A. No entry-level driver shall be eligible to (i) apply for a Virginia Class A or Class B commercial  
1234 driver's license for the first time, (ii) upgrade to a Class A or Class B commercial driver's license for the  
1235 first time, or (iii) apply for a hazardous materials, passenger, or school bus endorsement for the first time,  
1236 unless he has completed an entry-level driver training course related to the license, classification, or  
1237 endorsement he is applying for and the training is provided by a training provider. An individual is not  
1238 required to complete an entry-level driver training course related to the license, classification, or  
1239 endorsement he is applying for if he is exempted from such requirements under 49 C.F.R. § 380.603.

1240 B. Every application to the Department for a commercial driver's license or commercial learner's  
1241 permit shall be made upon a form approved and furnished by the Department, and the applicant shall write  
1242 his usual signature in ink in the space provided. The applicant shall provide the following information:

- 1243 1. Full legal name;
- 1244 2. Current mailing and residential addresses;
- 1245 3. Physical description including sex, height, weight, and eye and hair color;
- 1246 4. Year, month, and date of birth;
- 1247 5. Social security number;
- 1248 6. Domicile or, if not domiciled in the Commonwealth, proof of status as a member of the active  
1249 duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard  
1250 Auxiliary pursuant to 49 U.S.C. § 31311(a)(12); and
- 1251 7. Any other information required on the application form.

1252 Applicants shall be permitted to choose between "male," "female," or ~~"non-binary"~~ an "X" marker  
1253 where the "X" means unspecified or other gender identity, as applicable, when designating the applicant's  
1254 sex on the commercial driver's license or commercial learner's permit application form.

1255 The applicant's social security number shall be provided to the Commercial Driver's License  
1256 Information System as required by 49 C.F.R. § 383.153.

1257 C. Every applicant for a commercial driver's license or commercial learner's permit shall also  
1258 submit to the Department the following:

1259 1. A consent to release driving record information;

1260 2. Certifications that:

1261 a. He either meets the federal qualification requirements of 49 C.F.R. Parts 383 and 391, or he is  
1262 exempt from or is not subject to such federal requirements;

1263 b. He either meets the state qualification requirements established pursuant to § 52-8.4, or he is  
1264 exempt from or is not subject to such requirements;

1265 c. The motor vehicle in which the applicant takes the skills test is representative of the class and,  
1266 if applicable, the type of motor vehicle for which the applicant seeks to be licensed;

1267 d. He is not subject to any disqualification, suspension, revocation or cancellation of his driving  
1268 privileges;

1269 e. He does not have more than one driver's license;

1270 3. Other certifications required by the Department;

1271 4. Any evidence required by the Department to establish proof of identity, citizenship or lawful  
1272 permanent residency, domicile, and social security number notwithstanding the provisions of § 46.2-328.1  
1273 and pursuant to 49 C.F.R. Part 383;

1274 5. A statement indicating whether (i) the applicant has previously been licensed to drive any type  
1275 of motor vehicle during the previous 10 years and, if so, all states that licensed the applicant and the dates  
1276 he was licensed, and (ii) whether or not he has ever been disqualified, or his license suspended, revoked  
1277 or canceled and, if so, the date of and reason therefor; and

1278 6. An unexpired employment authorization document (EAD) issued by the U.S. Citizenship and  
1279 Immigration Services (USCIS) or an unexpired foreign passport accompanied by an approved Form I-94  
1280 documenting the applicant's most recent admittance into the United States for persons applying for a  
1281 nondomiciled commercial driver's license or nondomiciled commercial learner's permit.



1282 D. Every application for a commercial driver's license shall include a photograph of the applicant  
1283 supplied under arrangements made therefor by the Department in accordance with § 46.2-323.

1284 E. The Department shall disqualify any commercial driver for a period of one year when the  
1285 records of the Department clearly show to the satisfaction of the Commissioner that such person has made  
1286 a material false statement on any application or certification made for a commercial driver's license or  
1287 commercial learner's permit. The Department shall take such action within 30 days after discovering such  
1288 falsification.

1289 F. The Department shall review the driving record of any person who applies for a Virginia  
1290 commercial driver's license or commercial learner's permit, for the renewal or reinstatement of such  
1291 license or permit or for an additional commercial classification or endorsement, including the driving  
1292 record from all jurisdictions where, during the previous 10 years, the applicant was licensed to drive any  
1293 type of motor vehicle. Such review shall include checking the photograph on record whenever the  
1294 applicant or holder appears in person to renew, upgrade, transfer, reinstate, or obtain a duplicate  
1295 commercial driver's license or to renew, upgrade, reinstate, or obtain a duplicate commercial learner's  
1296 permit. If appropriate, the Department shall incorporate information from such other jurisdictions' records  
1297 into the applicant's Virginia driving record, and shall make a notation on the applicant's driving record  
1298 confirming that such review has been completed and the date it was completed. The Department's review  
1299 shall include (i) research through the Commercial Driver License Information System established pursuant  
1300 to the Commercial Motor Vehicle Safety Act and the National Driver Register Problem Driver Pointer  
1301 System in addition to the driver record maintained by the applicant's previous jurisdictions of licensure  
1302 and (ii) requesting information from the Drug and Alcohol Clearinghouse in accordance with 49 C.F.R. §  
1303 382.725. This research shall be completed prior to the issuance, renewal, transfer, or reinstatement of a  
1304 commercial driver's license or additional commercial classification or endorsement.

1305 The Department shall verify the name, date of birth, and social security number provided by the  
1306 applicant with the information on file with the Social Security Administration for initial issuance of a  
1307 commercial learner's permit or transfer of a commercial driver's license from another state. The  
1308 Department shall make a notation in the driver's record confirming that the necessary verification has been

1309 completed and noting the date it was done. The Department shall also make a notation confirming that  
1310 proof of citizenship or lawful permanent residency has been presented and the date it was done.

1311 G. Every new applicant for a commercial driver's license or commercial learner's permit, including  
1312 any person applying for a commercial driver's license or permit after revocation of his driving privileges,  
1313 who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate  
1314 commerce shall provide the Department with an original or certified copy of a medical examiner's  
1315 certificate prepared by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate  
1316 medical examiner's certificate, the Department shall post a certification status of "certified" on the record  
1317 of the driver on the Commercial Driver's License Information System. Any new applicant for a  
1318 commercial driver's license or commercial learner's permit who fails to comply with the requirements of  
1319 this subsection shall be denied the issuance of a commercial driver's license or commercial learner's permit  
1320 by the Department.

1321 H. Every existing holder of a commercial driver's license or commercial learner's permit who  
1322 certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce  
1323 shall provide the Department with an original or certified copy of a medical examiner's certificate prepared  
1324 by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's  
1325 certificate, the Department shall post a certification status of "certified" and any other necessary  
1326 information on the record of the driver on the Commercial Driver's License Information System. If an  
1327 existing holder of a commercial driver's license fails to provide the Department with a medical certificate  
1328 as required by this subsection, the Department shall post a certification status of "noncertified" on the  
1329 record of the driver on the Commercial Driver's License Information System and initiate a downgrade of  
1330 his commercial driver's license as defined in 49 C.F.R. § 383.5.

1331 I. Any person who provides a medical certificate to the Department pursuant to the requirements  
1332 of subsections G and H shall keep the medical certificate information current and shall notify the  
1333 Department of any change in the status of the medical certificate. If the Department determines that the  
1334 medical certificate is no longer valid, the Department shall initiate a downgrade of the driver's commercial  
1335 driver's license as defined in 49 C.F.R. § 383.5.

1336 J. If the Department receives notice that the holder of a commercial driver's license has been issued  
1337 a medical variance as defined in 49 C.F.R. § 390.5, the Department shall indicate the existence of such  
1338 medical variance on the commercial driver's license document of the driver and on the record of the driver  
1339 on the Commercial Driver's License Information System using the restriction code "V."

1340 K. Any holder of a commercial driver's license who has been issued a medical variance shall keep  
1341 the medical variance information current and shall notify the Department of any change in the status of  
1342 the medical variance. If the Department determines that the medical variance is no longer valid, the  
1343 Department shall initiate a downgrade of the driver's commercial driver's license as defined in 49 C.F.R.  
1344 § 383.5.

1345 L. Any applicant applying for a hazardous materials endorsement must comply with  
1346 Transportation Security Administration requirements in 49 C.F.R. Part 1572. A lawful permanent resident  
1347 of the United States requesting a hazardous materials endorsement must additionally provide his U.S.  
1348 Citizenship and Immigration Services (USCIS) alien registration number.

1349 M. Notwithstanding the provisions of § 46.2-208, the Department may release to the FMCSA  
1350 medical information relating to the issuance of a commercial driver's license or a commercial learner's  
1351 permit collected by the Department pursuant to the provisions of subsections F, G, H, I, and J.

1352 **§ 46.2-345. Issuance of special identification cards; fee; confidentiality; penalties.**

1353 A. On the application of any person who is a resident of the Commonwealth, the parent of any  
1354 such person who is under the age of 18, or the legal guardian of any such person, the Department shall  
1355 issue a special identification card to the person, provided that:

1356 1. Application is made on a form prescribed by the Department and includes the applicant's full  
1357 legal name; year, month, and date of birth; social security number; sex; and residence address. Applicants  
1358 shall be permitted to choose between "male," "female," or ~~"non-binary"~~ an "X" marker where the "X"  
1359 means unspecified or other gender identity, as applicable, when designating the applicant's sex on the  
1360 application form;

1361 2. The applicant presents, when required by the Department, proof of identity, legal presence,  
1362 residency, and social security number or non-work authorized status;

1363 3. The Department is satisfied that the applicant needs an identification card or the applicant shows  
1364 he has a bona fide need for such a card; and

1365 4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's  
1366 permit, learner's permit, motorcycle learner's permit, or special identification card without a photograph.

1367 Persons 70 years of age or older may exchange a valid Virginia driver's license for a special  
1368 identification card at no fee. Special identification cards subsequently issued to such persons shall be  
1369 subject to the regular fees for special identification cards.

1370 B. The fee for the issuance of an original, duplicate, reissue, or renewal special identification card  
1371 is \$2 per year, with a \$10 minimum fee. Persons 21 years old or older may be issued a scenic special  
1372 identification card for an additional fee of \$5.

1373 C. Every special identification card shall expire on the applicant's birthday at the end of the period  
1374 of years for which a special identification card has been issued. At no time shall any special identification  
1375 card be issued for less than three nor more than eight years, except under the provisions of subsection B  
1376 of § 46.2-328.1 and except that those cards issued to children under the age of 15 shall expire on the child's  
1377 sixteenth birthday. Notwithstanding these limitations, the Commissioner may extend the validity period  
1378 of an expiring card if (i) the Department is unable to process an application for renewal due to  
1379 circumstances beyond its control, (ii) the extension has been authorized under a directive from the  
1380 Governor, and (iii) the card was not issued as a temporary special identification card under the provisions  
1381 of subsection B of § 46.2-328.1. However, in no event shall the validity period be extended more than 90  
1382 days per occurrence of such conditions. Any special identification card issued to a person required to  
1383 register pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall expire on the applicant's birthday in  
1384 years which the applicant attains an age equally divisible by five. For each person required to register  
1385 pursuant to Chapter 9 of Title 9.1, the Department may not waive the requirement that each such person  
1386 shall appear for each renewal or the requirement to obtain a photograph in accordance with subsection C  
1387 of § 46.2-323.

1388 D. A special identification card issued under this section may be similar in size, shape, and design  
1389 to a driver's license, and include a photograph of its holder, but the card shall be readily distinguishable

1390 from a driver's license and shall clearly state that it does not authorize the person to whom it is issued to  
1391 drive a motor vehicle. Every applicant for a special identification card shall appear in person before the  
1392 Department to apply for a renewal, duplicate or reissue unless specifically permitted by the Department  
1393 to apply in another manner.

1394 E. Special identification cards, for persons at least 15 years old but less than 21 years old, shall be  
1395 immediately and readily distinguishable from those issued to persons 21 years old or older. Distinguishing  
1396 characteristics shall include unique design elements of the document and descriptors within the  
1397 photograph area to identify persons who are at least 15 years old but less than 21 years old. These  
1398 descriptors shall include the month, day, and year when the person will become 21 years old.

1399 F. Special identification cards for persons under age 15 shall bear a full face photograph. The  
1400 special identification card issued to persons under age 15 shall be readily distinguishable from a driver's  
1401 license and from other special identification cards issued by the Department. Such cards shall clearly  
1402 indicate that it does not authorize the person to whom it is issued to drive a motor vehicle.

1403 G. Unless otherwise prohibited by law, a valid Virginia driver's license shall be surrendered upon  
1404 application for a special identification card without the applicant's having to present proof of legal  
1405 presence as required by § 46.2-328.1 if the Virginia driver's license is unexpired and it has not been  
1406 revoked, suspended, or cancelled. The special identification card shall be considered a reissue and the  
1407 expiration date shall be the last day of the month of the surrendered driver's license's month of expiration.

1408 H. Any personal information, as identified in § 2.2-3801, which is retained by the Department  
1409 from an application for the issuance of a special identification card is confidential and shall not be divulged  
1410 to any person, association, corporation, or organization, public or private, except to the legal guardian or  
1411 the attorney of the applicant or to a person, association, corporation, or organization nominated in writing  
1412 by the applicant, his legal guardian, or his attorney. This subsection shall not prevent the Department from  
1413 furnishing the application or any information thereon to any law-enforcement agency.

1414 I. Any person who uses a false or fictitious name or gives a false or fictitious address in any  
1415 application for an identification card or knowingly makes a false statement or conceals a material fact or  
1416 otherwise commits a fraud in any such application shall be guilty of a Class 2 misdemeanor. However,

1417 where the name or address is given, or false statement is made, or fact is concealed, or fraud committed,  
1418 with the intent to purchase a firearm or where the identification card is obtained for the purpose of  
1419 committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.

1420 J. The Department shall utilize the various communications media throughout the Commonwealth  
1421 to inform Virginia residents of the provisions of this section and to promote and encourage the public to  
1422 take advantage of its provisions.

1423 K. The Department shall electronically transmit application information to the Department of State  
1424 Police, in a format approved by the State Police, for comparison with information contained in the Virginia  
1425 Criminal Information Network and National Crime Information Center Convicted Sexual Offender  
1426 Registry Files, at the time of issuance of a special identification card. Whenever it appears from the records  
1427 of the State Police that a person has failed to comply with the duty to register, reregister, or verify his  
1428 registration information pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall  
1429 promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant  
1430 or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the  
1431 person made application for the special identification card.

1432 L. When requested by the applicant, the applicant's parent if the applicant is a minor, or the  
1433 applicant's guardian, and upon presentation of a signed statement by a licensed physician confirming the  
1434 applicant's condition, the Department shall indicate on the applicant's special identification card that the  
1435 applicant has any condition listed in subsection K of § 46.2-342 or that the applicant is blind or vision  
1436 impaired.

1437 M. The Department shall establish a method by which an applicant for an original, reissued, or  
1438 renewed special identification card may indicate his blood type. If the applicant chooses to indicate his  
1439 blood type, the Department shall make a notation of this designation on his special identification card and  
1440 in his record. Such notation on the special identification card shall only be used by emergency medical  
1441 services agencies in providing emergency medical support. Upon written request of the license holder or  
1442 his legal guardian to have the designation removed, the Department shall issue the special identification  
1443 card without such designation upon the payment of applicable fees.

1444 Notwithstanding any other provision of law, the Department shall not disclose any data collected  
1445 pursuant to this subsection except to the subject of the information and by designation on the special  
1446 identification card. Nothing herein shall require the Department to verify any information provided for the  
1447 designation. No action taken by any person, whether private citizen or public officer or employee, with  
1448 regard to any blood type designation displayed on a special identification card, shall create a warranty of  
1449 the reliability or accuracy of the document or electronic image, nor shall it create any liability on the part  
1450 of the Commonwealth or of any department, office, or agency or of any officer, employee, or agent thereof.

1451 **§ 46.2-345.2. Issuance of special identification cards without photographs; fee;**  
1452 **confidentiality; penalties.**

1453 A. On the application of any person with a sincerely held religious belief prohibiting the taking of  
1454 a photograph who is a resident of the Commonwealth and who is at least 15 years of age, the Department  
1455 shall issue a special identification card without a photograph to the person, provided that:

1456 1. Application is made on a form prescribed by the Department and includes the applicant's full  
1457 legal name; year, month, and date of birth; social security number; sex; and residence address. Applicants  
1458 shall be permitted to choose between "male," "female," or ~~"non-binary"~~ an "X" marker where the "X"  
1459 means unspecified or other gender identity, as applicable, when designating the applicant's sex on the  
1460 application form;

1461 2. The applicant presents, when required by the Department, proof of identity, legal presence,  
1462 residency, and social security number or non-work authorized status;

1463 3. The applicant presents an approved and signed U.S. Department of the Treasury Internal  
1464 Revenue Service (IRS) Form 4029 or if such applicant is a minor, the applicant's parent or legal guardian  
1465 presents an approved and signed IRS Form 4029; and

1466 4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's  
1467 permit, learner's permit, motorcycle learner's permit, or special identification card.

1468 B. The fee for the issuance of an original, duplicate, or reissue special identification card without  
1469 a photograph is \$10 per year, with a \$20 minimum fee.

1470 C. Every special identification card without a photograph shall expire on the applicant's birthday  
1471 at the end of the period of years for which a special identification card without a photograph has been  
1472 issued. At no time shall any special identification card without a photograph be issued for more than eight  
1473 years. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring  
1474 card if (i) the Department is unable to process an application for re-issue due to circumstances beyond its  
1475 control or (ii) the extension has been authorized under a directive from the Governor. However, in no  
1476 event shall the validity period be extended more than 90 days per occurrence of such conditions.

1477 D. A special identification card without a photograph issued under this section may be similar in  
1478 size, shape, and design to a driver's license and shall not include a photograph of its holder. The card shall  
1479 be readily distinguishable from a driver's license and shall clearly state that federal limits apply, that the  
1480 card is not valid identification to vote, and that the card does not authorize the person to whom it is issued  
1481 to drive a motor vehicle. Every applicant for a special identification card without a photograph shall appear  
1482 in person before the Department to apply for a duplicate or reissue unless specifically permitted by the  
1483 Department to apply in another manner.

1484 E. Unless otherwise prohibited by law, a valid Virginia driver's license or special identification  
1485 card shall be surrendered for a special identification card without a photograph without the applicant's  
1486 having to present proof of legal presence as required by § 46.2-328.1 if the Virginia driver's license or  
1487 special identification card is unexpired and has not been revoked, suspended, or canceled. The special  
1488 identification card without a photograph shall be considered a reissue, and the expiration date shall be the  
1489 last day of the month of the surrendered driver's license's or special identification card's month of  
1490 expiration.

1491 F. Any personal information, as identified in § 2.2-3801, that is retained by the Department from  
1492 an application for the issuance of a special identification card without a photograph is confidential and  
1493 shall not be divulged to any person, association, corporation, or organization, public or private, except to  
1494 the legal guardian or the attorney of the applicant or to a person, association, corporation, or organization  
1495 nominated in writing by the applicant, his legal guardian, or his attorney. This subsection shall not prevent



1496 the Department from furnishing the application or any information thereon to any law-enforcement  
1497 agency.

1498 G. Any person who uses a false or fictitious name or gives a false or fictitious address in any  
1499 application for a special identification card without a photograph or knowingly makes a false statement or  
1500 conceals a material fact or otherwise commits a fraud in any such application is guilty of a Class 2  
1501 misdemeanor. However, where the special identification card without a photograph is obtained for the  
1502 purpose of committing any offense punishable as a felony, a violation of this section shall constitute a  
1503 Class 4 felony.

1504 H. When requested by the applicant, the applicant's parent if the applicant is a minor, or the  
1505 applicant's guardian, and upon presentation of a signed statement by a licensed physician confirming the  
1506 applicant's condition, the Department shall indicate on the applicant's special identification card without  
1507 a photograph that the applicant has any condition listed in subsection K of § 46.2-342.

1508 I. The Department shall establish a method by which an applicant for an original, reissued, or  
1509 renewed special identification card without a photograph may indicate his blood type. If the applicant  
1510 chooses to indicate his blood type, the Department shall make a notation of this designation on his special  
1511 identification card without a photograph and in his record. Such notation on the special identification card  
1512 without a photograph shall only be used by emergency medical services agencies in providing emergency  
1513 medical support. Upon written request of the license holder or his legal guardian to have the designation  
1514 removed, the Department shall issue the special identification card without a photograph without such  
1515 designation upon the payment of applicable fees.

1516 Notwithstanding any other provision of law, the Department shall not disclose any data collected  
1517 pursuant to this subsection except to the subject of the information and by designation on the special  
1518 identification card without a photograph. Nothing herein shall require the Department to verify any  
1519 information provided for the designation. No action taken by any person, whether private citizen or public  
1520 officer or employee, with regard to any blood type designation displayed on a special identification card  
1521 without a photograph, shall create a warranty of the reliability or accuracy of the document or electronic

1522 image, nor shall it create any liability on the part of the Commonwealth or of any department, office, or  
1523 agency or of any officer, employee, or agent thereof.

1524 J. Unless the Code specifies that a photograph is required, a special identification card without a  
1525 photograph shall be treated as a special identification card.

1526 **§ 46.2-2906. Application for escort vehicle driver certificate; driving record; proof of**  
1527 **completion of escort vehicle driver training; fee.**

1528 A. Every application for an escort vehicle driver certificate shall be made on a form prescribed by  
1529 the Department, and the applicant shall write his usual signature in ink in the space provided on the form.

1530 A person who applies for an escort vehicle driver certificate must meet the following requirements:

- 1531 1. Be at least 18 years of age;
- 1532 2. Hold a valid Virginia driver's license or a valid driver's license for another state;
- 1533 3. Authorize the Department to review his driving record;
- 1534 4. Present satisfactory proof of successful completion of an eight-hour escort vehicle driver  
1535 certification training course, as required by § 46.2-2904;
- 1536 5. Pass the escort vehicle driver certification knowledge test as required by § 46.2-2905 with a  
1537 score of 80 percent or higher; and
- 1538 6. Pay the appropriate fee for certificate issuance.

1539 B. Every application shall state the applicant's full legal name; year, month, and date of birth;  
1540 social security number; sex; and residence address. Applicants shall be permitted to choose between  
1541 "male," "female," or an "X" marker where the "X" means unspecified or other gender identity, as  
1542 applicable, when designating the applicant's sex on the application. The applicant shall also answer any  
1543 questions on the application form, or otherwise propounded, and provide any other information as required  
1544 by the Department incidental to the application.

1545 C. The Commissioner shall require that each application include a certification statement, to be  
1546 signed by the applicant under penalty of perjury, certifying that the information presented on the  
1547 application is true and correct. If the applicant fails or refuses to sign the certification statement, the  
1548 Department shall not issue the applicant an escort vehicle driver certificate.

1549 Any applicant who knowingly makes a false certification or supplies false or fictitious evidence  
1550 shall be punished as provided in § 46.2-348.

1551 **§ 54.1-3319. Counseling.**

1552 A. A pharmacist shall conduct a prospective drug review before each new prescription is dispensed  
1553 or delivered to a patient or a person acting on behalf of the patient. Such review shall include screening  
1554 for potential drug therapy problems due to therapeutic duplication, drug-disease contraindications, drug-  
1555 drug interactions, including serious interactions with nonprescription or over-the-counter drugs, incorrect  
1556 drug dosage or duration of drug treatment, drug-allergy interactions, and clinical abuse or misuse. A  
1557 pharmacist may conduct a prospective drug review before refilling a prescription to the extent the  
1558 pharmacist deems appropriate in his professional judgment.

1559 B. A pharmacist shall offer to counsel any person who presents a new prescription for filling. The  
1560 offer to counsel may be made in any manner the pharmacist deems appropriate in his professional  
1561 judgment, and may include any one or a combination of the following:

- 1562 1. Face-to-face communication with the pharmacist or the pharmacist's designee;
- 1563 2. A sign posted in such a manner that it can be seen by patients;
- 1564 3. A notation affixed to or written on the bag in which the prescription is to be delivered;
- 1565 4. A notation contained on the prescription container; or
- 1566 5. By telephone.

1567 For the purposes of medical assistance and other third-party reimbursement or payment programs,  
1568 any of the above methods, or a combination thereof, shall constitute an acceptable offer to provide  
1569 counseling, except to the extent this subsection is inconsistent with regulations promulgated by the federal  
1570 Health Care Financing Administration governing 42 U.S.C. § 1396r-8 (g)(2)(A)(ii). A pharmacist may  
1571 offer to counsel any person who receives a refill of a prescription to the extent deemed appropriate by the  
1572 pharmacist in his professional judgment.

1573 C. If the offer to counsel is accepted, the pharmacist shall counsel the person presenting the  
1574 prescription to the extent the pharmacist deems appropriate in his professional judgment. Such counseling  
1575 shall be performed by the pharmacist himself and may, but need not, include the following:

- 1576 1. The name and description of the medication;
- 1577 2. The dosage form, dosage, route of administration, and duration of drug therapy;
- 1578 3. Special directions and precautions for preparation, administration, and use by the patient;
- 1579 4. Common adverse or severe side effects or interactions and therapeutic contraindications that
- 1580 may be encountered, including their avoidance, and the action required if they occur;
- 1581 5. Techniques for self-monitoring drug therapy;
- 1582 6. Proper storage and disposal;
- 1583 7. Prescription refill information; and
- 1584 8. Action to be taken in the event of a missed dose.

1585 Nothing in this section shall be construed as requiring a pharmacist to provide counseling when  
1586 the person presenting the prescription fails to accept the pharmacist's offer to counsel. If the prescription  
1587 is delivered to a person residing outside of the local telephone calling area of the pharmacy, the pharmacist  
1588 shall either provide a toll-free telephone number or accept reasonable collect calls from such person.

1589 D. Reasonable efforts shall be made to obtain, record, and maintain the following patient  
1590 information generated at the individual pharmacy:

1591 1. Name, address, telephone number, date of birth or age, and gender; patients shall be permitted  
1592 to choose between "male," "female," or an "X" marker where the "X" means unspecified or other gender  
1593 identity, as applicable, when designating the gender of the patient;

1594 2. Individual history where significant, including known allergies and drug reactions, and a  
1595 comprehensive list of medications and relevant devices; and

1596 3. Any additional comments relevant to the patient's drug use, including any failure to accept the  
1597 pharmacist's offer to counsel.

1598 Such information may be recorded in the patient's manual or electronic profile, or in the  
1599 prescription signature log, or in any other system of records and may be considered by the pharmacist in  
1600 the exercise of his professional judgment concerning both the offer to counsel and content of counseling.

1601 The absence of any record of a failure to accept the pharmacist's offer to counsel shall be presumed to  
1602 signify that such offer was accepted and that such counseling was provided.

1603 E. This section shall not apply to any drug dispensed to an inpatient of a hospital or nursing home,  
1604 except to the extent required by regulations promulgated by the federal Health Care Financing  
1605 Administration implementing 42 U.S.C. § 1396r-8 (g)(2)(A).

1606 **§ 54.1-4108. Permit required; method of obtaining permit; no convictions of certain crimes;**  
1607 **approval of weighing devices; renewal; permanent location required.**

1608 A. No person shall engage in the activities of a dealer as defined in § 54.1-4100 without first  
1609 obtaining a permit from the chief law-enforcement officer of each county, city, or town in which he  
1610 proposes to engage in business.

1611 B. To obtain a permit, the dealer shall file with the proper chief law-enforcement officer an  
1612 application form which includes the dealer's full name, any aliases, address, age, date of birth, sex, and  
1613 fingerprints; the name, address, and telephone number of the applicant's employer, if any; and the location  
1614 of the dealer's place of business. Such form shall permit the choice between "male," "female," or an "X"  
1615 marker where the "X" means unspecified or other gender identity, as applicable, when designating the sex  
1616 of the dealer. Upon filing this application and the payment of a \$200 application fee, the dealer shall be  
1617 issued a permit by the chief law-enforcement officer or his designee, provided that the applicant has not  
1618 been convicted of a felony or crime of moral turpitude within seven years prior to the date of application.  
1619 The permit shall be denied if the applicant has been denied a permit or has had a permit revoked under  
1620 any ordinance similar in substance to the provisions of this chapter.

1621 C. Before a permit may be issued, the dealer must have all weighing devices used in his business  
1622 inspected and approved by local or state weights and measures officials and present written evidence of  
1623 such approval to the proper chief law-enforcement officer.

1624 D. This permit shall be valid for one year from the date issued and may be renewed in the same  
1625 manner as such permit was initially obtained with an annual permit fee of \$200. No permit shall be  
1626 transferable.

1627 E. If the business of the dealer is not operated without interruption, with Saturdays, Sundays, and  
1628 recognized holidays excepted, the dealer shall notify the proper chief law-enforcement officer of all

1629 closings and reopenings of such business. The business of a dealer shall be conducted only from the fixed  
1630 and permanent location specified in his application for a permit.

1631 F. The chief law-enforcement officer may waive the permit fee for retail merchants that are not  
1632 required to be licensed as pawnbrokers under Chapter 40 (§ 54.1-4000 et seq.), provided the retail  
1633 merchant has a permanent place of business and purchases of precious metals and gems do not exceed  
1634 five percent of the retail merchant's annual business.

1635 **§ 59.1-118. Permit issued by chief of police or sheriff; revocation.**

1636 The chief of police of a city or the sheriff of a county may issue, to persons regularly engaged in  
1637 the business of collecting secondhand building materials for resale, a semiannual or annual permit  
1638 covering all sales and acquisitions made by such persons. The chief of police or sheriff may refuse to issue  
1639 a permit, and may revoke any permit issued, to any person convicted of a felony or crime of moral  
1640 turpitude within the three years prior to the request for the permit. The applicant shall file with the chief  
1641 of police or sheriff, or his designee, an application form that shall include the applicant's full name,  
1642 address, age, sex, and fingerprints; the name, address, and telephone number of the applicant's employer,  
1643 if any; and the location of the applicant's place of business. Such form shall permit the choice between  
1644 "male," "female," or an "X" marker where the "X" means unspecified or other gender identity, as  
1645 applicable, when designating the sex of the applicant. A permit shall be valid for one year from the date  
1646 of issuance and may be renewed in the same manner as such permit was initially obtained. A fee of not  
1647 more than \$50 may be charged annually for the issuance of the permit.

1648 **§ 65.2-900. Records and reports of accidents.**

1649 A. Every employer shall keep a record of all injuries or deaths of its employees which occur in the  
1650 course of employment. Within ten days after the occurrence of such injury or death, and knowledge of  
1651 injury as provided in § 65.2-600, a report of the injury or death shall be made and transmitted to the  
1652 Commission by the employer, its representative or, in the case of an insured employer, its insurance  
1653 carrier, in accordance with regulations adopted by the Commission which may authorize the transmission  
1654 of such reports in written, magnetic, electronic, or facsimile media. The Commission shall provide forms

1655 and instructions for reporting as required by this section. The Commission shall provide the Department  
1656 of Labor and Industry with such reports.

1657 B. The accident report shall contain the name, nature, and location of the business of the employer  
1658 and the name, age, sex, and wages and occupation of the injured employee, and shall state the date and  
1659 hour of the accident causing the injury and the nature and cause of the injury, together with such other  
1660 information as may be required by the Commission. Such report shall permit the choice between "male,"  
1661 "female," or an "X" marker where the "X" means unspecified or other gender identity, as applicable, when  
1662 designating the sex of the injured employee. However, those injuries deemed minor by the Commission  
1663 shall be reported in the manner prescribed by the Commission.

1664 **2. That any state agency required to update a form pursuant to this act shall have until July 1, 2026,**  
1665 **to comply with the provisions of this act.**

1666 #