

COD
5/R 26/13-8 c.2

COD
5/R 26/

v13-no.8-17
1997

THE VIRGINIA REGISTER

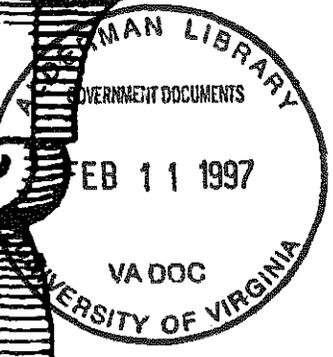
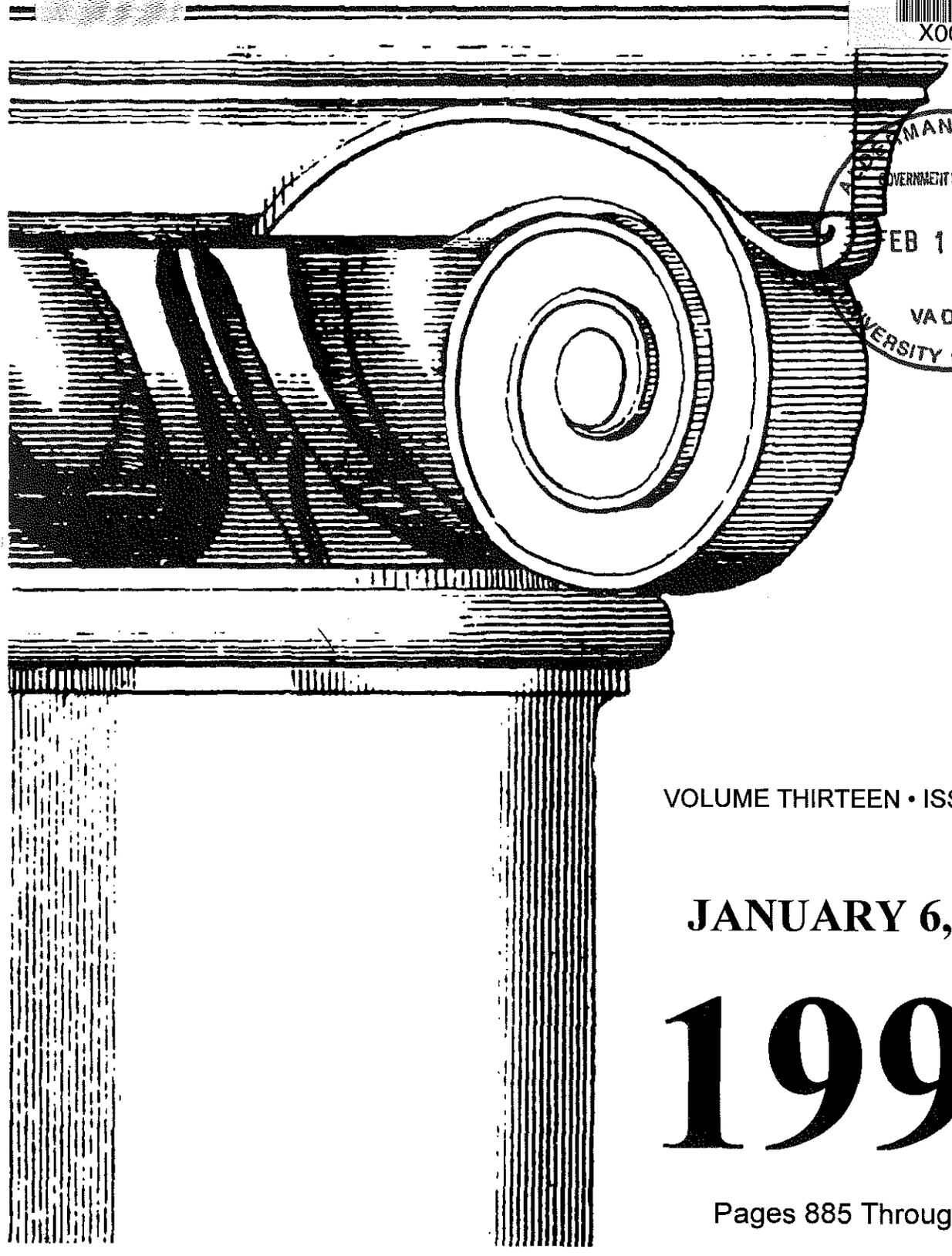
OF REGULATIONS

VA
DOC

UNIVERSITY OF VIRGINIA LIBRARY



X006002941



VOLUME THIRTEEN • ISSUE EIGHT

JANUARY 6, 1997

1997

Pages 885 Through 984

THE VIRGINIA REGISTER is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative. **THE VIRGINIA REGISTER** has several functions. The new and amended sections of regulations, both as proposed and as finally adopted, are required by law to be published in **THE VIRGINIA REGISTER OF REGULATIONS**. In addition, **THE VIRGINIA REGISTER** is a source of other information about state government, including all emergency regulations and executive orders issued by the Governor, the Virginia Tax Bulletin issued periodically by the Department of Taxation, and notices of public hearings and open meetings of state agencies.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

Following publication of the proposal in the *Virginia Register*, the promulgating agency receives public comments for a minimum of 60 days. The Governor reviews the proposed regulation to determine if it is necessary to protect the public health, safety and welfare, and if it is clearly written and easily understandable. If the Governor chooses to comment on the proposed regulation, his comments must be transmitted to the agency and the Registrar no later than 15 days following the completion of the 60-day public comment period. The Governor's comments, if any, will be published in the *Virginia Register*. Not less than 15 days following the completion of the 60-day public comment period, the agency may adopt the proposed regulation.

The appropriate standing committee of each branch of the General Assembly may meet during the promulgation or final adoption process and file an objection with the Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative committee, and the Governor.

When final action is taken, the agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

The Governor may review the final regulation during this time and, if he objects, forward his objection to the Registrar and the agency. In addition to or in lieu of filing a formal objection, the Governor may suspend the effective date of a portion or all of a regulation until the end of the next regular General Assembly session by issuing a directive signed by a majority of the members of the appropriate standing committees and the Governor. The Governor's objection or suspension of the regulation, or both, will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation have substantial impact, he may require the agency to provide an additional 30-day public comment period on the changes. Notice of the additional public comment period required by the Governor will be published in the *Virginia Register*.

The agency shall suspend the regulatory process for 30 days when it receives requests from 25 or more individuals to solicit additional public comment, unless the agency determines that the changes have minor or inconsequential impact.

A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 21-day extension period; (ii) the Governor exercises his authority to require the agency to provide for additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the

Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period.

Proposed regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

EMERGENCY REGULATIONS

If an agency demonstrates that (i) there is an immediate threat to the public's health or safety; or (ii) Virginia statutory law, the appropriation act, federal law, or federal regulation requires a regulation to take effect no later than (a) 280 days from the enactment in the case of Virginia or federal law or the appropriation act, or (b) 280 days from the effective date of a federal regulation, it then requests the Governor's approval to adopt an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited to addressing specifically defined situations and may not exceed 12 months in duration. Emergency regulations are published as soon as possible in the *Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) deliver the Notice of Intended Regulatory Action to the Registrar in time to be published within 60 days of the effective date of the emergency regulation; and (ii) deliver the proposed regulation to the Registrar in time to be published within 180 days of the effective date of the emergency regulation. If the agency chooses not to adopt the regulations, the emergency status ends when the prescribed time limit expires.

STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 (§ 9-6.14.7.1 et seq.) of Chapter 1.1:1 of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. 12:8 VA.R. 1096-1106 January 8, 1996, refers to Volume 12, Issue 8, pages 1096 through 1106 of the *Virginia Register* issued on January 8, 1996.

"**THE VIRGINIA REGISTER OF REGULATIONS**" (USPS-001831) is published bi-weekly, with quarterly cumulative indices published in January, April, July and October, for \$100 per year by the Virginia Code Commission, General Assembly Building, Capitol Square, Richmond, Virginia 23219. Telephone (804) 786-3591. Periodical Postage Rates Paid at Richmond, Virginia. **POSTMASTER:** Send address changes to **THE VIRGINIA REGISTER OF REGULATIONS, 910 CAPITOL STREET, 2ND FLOOR, RICHMOND, VIRGINIA 23219.**

The *Virginia Register of Regulations* is published pursuant to Article 7 (§ 9-6.14.22 et seq.) of Chapter 1.1:1 of the Code of Virginia. Individual copies, if available, may be purchased for \$4.00 each from the Registrar of Regulations.

Members of the Virginia Code Commission: Joseph V. Gartlan, Jr., Chairman; W. Tayloe Murphy, Jr., Vice Chairman; Robert L. Calhoun; Russell M. Carneal; Bernard S. Cohen; Jay W. DeBoer; Frank S. Ferguson; E. M. Miller, Jr.; Jackson E. Reasor, Jr.; James B. Wilkinson.

Staff of the Virginia Register: E. M. Miller, Jr., Acting Registrar of Regulations; Jane D. Chaffin, Deputy Registrar of Regulations.

PUBLICATION DEADLINES AND SCHEDULES

January 1997 through December 1997

**Material Submitted
By Noon Wednesday**

Will Be Published On

Volume 13

December 17, 1996 (Tuesday)

January 6, 1997

December 31, 1996 (Tuesday)

January 20, 1997

January 15, 1997

February 3, 1997

January 29, 1997

February 17, 1997

February 12, 1997

March 3, 1997

February 26, 1997

March 17, 1997

March 12, 1997

March 31, 1997

INDEX 2 - Volume 13

April 1997

March 26, 1997

April 14, 1997

April 9, 1997

April 28, 1997

April 23, 1997

May 12, 1997

May 7, 1997

May 26, 1997

May 21, 1997

June 9, 1997

June 4, 1997

June 23, 1997

INDEX 3 - Volume 13

July 1997

June 18, 1997

July 7, 1997

July 2, 1997

July 21, 1997

July 16, 1997

August 4, 1997

July 30, 1997

August 18, 1997

August 13, 1997

September 1, 1997

August 27, 1997

September 15, 1997

FINAL INDEX - Volume 13

October 1997

Volume 14

September 10, 1997

September 29, 1997

September 24, 1997

October 13, 1997

October 8, 1997

October 27, 1997

October 22, 1997

November 10, 1997

November 5, 1997

November 24, 1997

November 18, 1997 (Tuesday)

December 8, 1997

December 3, 1997

December 22, 1997

INDEX 1 - Volume 14

January 1998

TABLE OF CONTENTS

NOTICES OF INTENDED REGULATORY ACTION

State Milk Commission	887
Department of Social Services.....	887
Department for the Visually Handicapped	887

PUBLIC COMMENT PERIODS - PROPOSED REGULATIONS

Board of Medicine	888
-------------------------	-----

PROPOSED REGULATIONS

BOARD OF MEDICINE

Regulations for the Certification of Occupational Therapists (amending 18 VAC 85-80-10, 18 VAC 85-80-40, 18 VAC 85-80-50, 18 VAC 85-80-60, 18 VAC 85-80-80, 18 VAC 85-80-110, and 18 VAC 85-80-120; repealing 18 VAC 85-80-30).	889
---	-----

FINAL REGULATIONS

BOARD FOR BARBERS

Board for Barbers Regulations (amending 18 VAC 40-20-20, 18 VAC 40-20-90, 18 VAC 40-20-110 through 18 VAC 40-20-140, 18 VAC 40-20-150, and 18 VAC 40-20-170).	896
---	-----

DEPARTMENT OF CORRECTIONAL EDUCATION

Public Participation Guidelines. (6 VAC 10-10-10 et seq.)	897
---	-----

CRIMINAL JUSTICE SERVICES BOARD

Regulations Relating to Private Security Services (amending 6 VAC 20-170-10, 6 VAC 20-170-20, 6 VAC 20-170-50, 6 VAC 20-170-60, 6 VAC 20-170-80, 6 VAC 20-170-90, 6 VAC 20-170-100, 6 VAC 20-170-150, 6 VAC 20-170-200, 6 VAC 20-170-210, 6 VAC 20-170-230 through 6 VAC 20-170-280, 6 VAC 20-170-340 through 6 VAC 20-170-400, 6 VAC 20-170-430, 6 VAC 20-170-460, 6 VAC 20-170-470, 6 VAC 20-170-480, 6 VAC 20-170-520 through 6 VAC 20-170-550, 6 VAC 20-170-620 through 6 VAC 20-170-650, 6 VAC 20-170-730, 6 VAC 20-170-760, 6 VAC 20-170-770, 6 VAC 20-170-820, 6 VAC 20-170-830, 6 VAC 20-170-930 through 6 VAC 20-170-960, 6 VAC 20-170-1000; adding 6 VAC 20-170-45, 6 VAC 20-170-55, 6 VAC 20-170-75, 6 VAC 20-170-76, 6 VAC 20-170-475, 6 VAC 20-170-615 through 6 VAC 20-170-619, 6 VAC 20-170-625, and 6 VAC 20-170-765; repealing 6 VAC 20-170-220, 6 VAC 20-170-490, 6 VAC 20-170-500, 6 VAC 20-170-510, 6 VAC 20-170-560 through 6 VAC 20-170-610, and 6 VAC 20-170-840 through 6 VAC 20-170-890).	900
--	-----

DEPARTMENT OF MOTOR VEHICLES

T&M Vehicle, Trailer, and Motorcycle Dealer Advertising Practices and Enforcement Regulations. (24 VAC 20-110-10 et seq.).....	929
--	-----

MOTOR VEHICLE DEALER BOARD

Public Participation Guidelines. (24 VAC 22-10-10 et seq.)	932
--	-----

Motor Vehicle Dealer Advertising Practices and Enforcement Regulations. (24 VAC 22-30-10 et seq.).....	935
--	-----

REAL ESTATE APPRAISER BOARD

Real Estate Appraiser Board Rules and Regulations (amending 18 VAC 130-20-90 and 18 VAC 130-20-130)	938
---	-----

DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

Hauling Permit Manual (amending 24 VAC 30-111-10, 24 VAC 30-111-50, 24 VAC 30-111-70, 24 VAC 30-111-100, 24 VAC 30-111-260, 24 VAC 30-111-270, and 24 VAC 30-111-280).	939
--	-----

STATE CORPORATION COMMISSION

BUREAU OF INSURANCE

ADMINISTRATIVE LETTER

14 VAC 5-190-10 et seq. Rules Governing the Reporting of Cost and Utilization Data Relating to Mandated Benefits and Mandated Providers - Coverage of Procedures Involving Bones and Joints. (1996-16)	944
--	-----

STATE LOTTERY DEPARTMENT

DIRECTOR'S ORDERS

Virginia's Sixth On-Line Lottery; "The Big Game," Final Rules for Game Operation. (26-96)	946
Virginia's Sixty-Seventh Instant Game Lottery; "Holiday Cash," Final Rules for Game Operation. (36-96).....	946
Virginia's Instant Game Lottery 407; "New Year's Cash for Life," Final Rules for Game Operation. (37-96).....	946
Virginia's Second On-Line Game Lottery; "Lotto," Final Rules for Game Operation; Fifth Revision. (38-96).....	946

MARINE RESOURCES COMMISSION

FINAL REGULATIONS

Pertaining to the Taking of Striped Bass. (4 VAC 20-252-10 et seq.).....	947
--	-----

Table of Contents

Pertaining to the Setting and Mesh Size of Gill Nets
(amending 4 VAC 20-751-10 and 4 VAC 20-751-20). 953

FORMS

DEPARTMENT OF MINES, MINERALS AND ENERGY

Forms Implementing Chapters 14.2 through 14.4 of Title 45.1
of the Code of Virginia Regarding Coal Mine Safety 955

Coal Surface Mining Reclamation Regulations. (4 VAC 25-
130-10 et seq.)..... 956

GOVERNOR

GOVERNOR'S COMMENTS

BOARD FOR CONTRACTORS

Tradesman Certification Program Regulations. (18 VAC 50-
30-10 et seq.)..... 958

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

Virginia Certification Standards (REPEALING). (13 VAC 5-
20-10 et seq.)..... 958

Virginia Certification Standards. (13 VAC 5-21-10 et seq.)
..... 958

Virginia Amusement Device Regulations (REPEALING). (13
VAC 5-30-10 et seq.)..... 958

Virginia Amusement Device Regulations. (13 VAC 5-31-10 et
seq.)..... 958

Virginia Statewide Fire Prevention Code (REPEALING). (13
VAC 5-50-10 et seq.)..... 958

Virginia Statewide Fire Prevention Code. (13 VAC 5-51-10 et
seq.)..... 958

Virginia Uniform Statewide Building Code, Volume I - New
Construction Code/1993 (REPEALING). (13 VAC 5-60-10 et
seq.)..... 958

Virginia Uniform Statewide Building Code, Volume II -
Building Maintenance Code/1993 (REPEALING). (13 VAC 5-
70-10 et seq.)..... 958

Virginia Uniform Statewide Building Code. (13 VAC 5-61-10
et seq.)..... 958

Virginia Industrialized Building and Manufactured Home
Safety Regulations (REPEALING). (13 VAC 5-90-10 et seq.)
..... 958

Virginia Industrialized Building Safety Regulations. (13 VAC
5-91-10 et seq.) 958

Virginia Manufactured Home Safety Regulations. (13 VAC 5-
95-10 et seq.)..... 959

BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS

Regulations Governing the Certification of Rehabilitation
Providers. (18 VAC 115-40-10 et seq.)959

GENERAL NOTICES/ERRATA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Virginia Coastal Resources Management Program - Notice to
the Public Regarding Coastal Needs Assessment and
Strategy960

DEPARTMENT OF SOCIAL SERVICES

Notice of Public Comment Period Regarding Temporary
Assistance for Needy Families960

VIRGINIA CODE COMMISSION

Notice to State Agencies960

Forms for Filing Material on Dates for Publication in *The
Virginia Register of Regulations*960

CALENDAR OF EVENTS

EXECUTIVE

Open Meetings and Public Hearings961

INDEPENDENT

Open Meetings and Public Hearings982

CHRONOLOGICAL LIST

Open Meetings982

Public Hearings984

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

† Indicates entries since last publication of the *Virginia Register*

STATE MILK COMMISSION

† Withdrawal of Notice of Intended Regulatory Action

The State Milk Commission has **WITHDRAWN** the Notice of Intended Regulatory Action for amending 2 VAC 15-10-10 et seq. Public Participation Guidelines. The notice was initially published 12:5 VA.R. 708 November 27, 1995.

Contact: William J. Pega, Special Assistant to the Commissioner, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140, FAX (804) 371-3351, toll-free 1-800-662-2155, or (804) 371-3140/TDD ☎

VA.R. Doc. No. R97-139; Filed November 19, 1996, 9:57 a.m.

† Withdrawal of Notice of Intended Regulatory Action

The State Milk Commission has **WITHDRAWN** the Notice of Intended Regulatory Action for amending 2 VAC 15-20-10 et seq. Rules and Regulations for the Control, Regulation and Supervision of the Milk Industry in Virginia. The notice was initially published 12:5 VA.R. 708 November 27, 1995.

DEPARTMENT OF SOCIAL SERVICES

† Withdrawal of Notice of Intended Regulatory Action

The Department of Social Services has **WITHDRAWN** the Notice of Intended Regulatory Action for promulgating 22 VAC 40-675-10 et seq. Performance Standards for Local Superintendents/Directors of Social Services. The notice was initially published in 12:26 VA.R. 3521 September 16, 1996.

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department for the Visually Handicapped intends to consider repealing regulations entitled: **22 VAC 45-60-10 et seq. Regulations Governing Provision of Services for the Infants, Children and Youth Program.** The purpose of the proposed action is to repeal this regulation as the Office of the Attorney General has reported that the Department for the Visually Handicapped does not have the authority to promulgate such a regulation.

Statutory Authority: § 63.1-85 of the Code of Virginia.

Public comments may be submitted until January 8, 1997.

PUBLIC COMMENT PERIODS - PROPOSED REGULATIONS



PUBLIC COMMENT PERIODS REGARDING STATE AGENCY REGULATIONS

Effective July 1, 1995, publication of notices of public comment periods in a newspaper of general circulation in the state capital is no longer required by the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia). Chapter 717 of the 1995 Acts of Assembly eliminated the newspaper publication requirement from the Administrative Process Act. In *The Virginia Register of Regulations*, the Registrar of Regulations has developed this section entitled "Public Comment Periods - Proposed Regulations" to give notice of public comment periods and public hearings to be held on proposed regulations. The notice will be published once at the same time the proposed regulation is published in the Proposed Regulations section of the *Virginia Register*. The notice will continue to be carried in the Calendar of Events section of the *Virginia Register* until the public comment period and public hearing date have passed.

Notice is given in compliance with § 9-6.14:7.1 of the Code of Virginia that the following public hearings and public comment periods regarding proposed state agency regulations are set to afford the public an opportunity to express their views.

BOARD OF MEDICINE

January 24, 1997 - 1 p.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street,
5th Floor, Richmond, Virginia.

March 7, 1997 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled: **18 VAC 85-80-10 et seq. Regulations for the Certification of Occupational Therapists**. The purpose of the proposed amendments is to update the identification of the national accreditation body for occupational therapy, clarify the clinical supervision of uncertified persons practicing occupational therapy, and reduce the application fee for certification.

Statutory Authority: §§ 54.1-2400 and 54.1-2956.1 through 54.1-2956.5 of the Code of Virginia.

Contact: Warren W. Koontz, M.D., Executive Director,
Department of Health Professions, 6606 W. Broad St., 4th
Floor, Richmond, VA 23230-1717, telephone (804) 662-7423
or FAX (804) 662-9943.

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates proposed new text.
Language which has been stricken indicates proposed text for deletion.

BOARD OF MEDICINE

Title of Regulation: 18 VAC 85-80-10 et seq. Regulations for the Certification of Occupational Therapists (amending 18 VAC 85-80-10, 18 VAC 85-80-40, 18 VAC 85-80-50, 18 VAC 85-80-60, 18 VAC 85-80-80, 18 VAC 85-80-110, and 18 VAC 85-80-120; repealing 18 VAC 85-80-30).

Statutory Authority: §§ 54.1-2400 and 54.1-2956.1 through 54.1-2956.5 of the Code of Virginia.

Public Hearing Date: January 24, 1997 - 1 p.m.

Public comments may be submitted until March 7, 1997.
(See Calendar of Events section
for additional information)

Basis: Chapter 24 (§ 54.1-2400 et seq.) of Title 54.1 and §§ 54.1-2956.1 through 54.1-2956.5 of the Code of Virginia provide the basis for this regulation. Chapter 24 establishes the general powers and duties of the health regulatory boards including the power to establish qualifications for licensure and the responsibility to promulgate regulations. Sections 54.1-2956.1 through 54.1-2956.5 establish the Advisory Board of Occupational Therapy and set forth statutory standards for certification of persons practicing as occupational therapists.

Purpose: The purpose for the proposed amendments is to update the identification of the national accreditation body for occupational therapy, clarify the clinical supervision of uncertified persons practicing occupational therapy, and reduce the application fee for certification. Those changes will facilitate entry and reduce costs for persons seeking to become certified as occupational therapists in the Commonwealth and will therefore improve the health and welfare of its citizens. Amendments to clarify the clinical supervision of uncertified persons practicing occupational therapy will ensure that the health safety of the public is not compromised by treatment received from uncertified persons who are not appropriately supervised.

Substance:

18 VAC 85-80-10. Definitions. Definitions which are no longer used in regulation, are already set forth in the Code of Virginia, or are defined in the context of the regulation have been eliminated. A new definition of the acronym for the body which currently accredits educational programs is added to this section.

18 VAC 85-80-30. Requirements, General. This section has been repealed since requirements are already stated in the Code.

18 VAC 85-80-40. Educational requirements. Amendments are proposed to clarify the regulations and to update the name of the accrediting body for educational programs.

18 VAC 85-80-50. Examination requirements. An amendment is proposed to clarify that an applicant who has

received a degree may practice as an occupational therapist for one year or until passage of the national examination.

18 VAC 85-80-60. Practice requirements. An amendment is added to clarify that the supervision of an applicant who has not been actively practicing for six or more years is to be performed by a certified occupational therapist.

18 VAC 85-80-80. Reinstatement. An amendment is added to clarify that the supervision of uncertified persons seeking reinstatement is to be performed by a certified occupational therapist.

18 VAC 85-80-110. Supervisory Responsibilities. Amendments are proposed to clarify that the requirements established in regulation for the supervisory responsibility of an occupational therapist apply to that person providing the clinical supervision.

18 VAC 85-80-120. Fees. The board proposes to reduce the application fee from \$150 to \$100.

Issues:

Issue 1: The need for an updating of the name of the body responsible for accrediting educational programs in occupational therapy.

Current regulations list the AMA/AOTA as the accrediting body; that function is now performed by the ACOTE as identified in proposed regulations.

Issue 2: The need for additional regulation on certification of foreign-trained OT's by the American Occupational Therapy Certification Board (AOTCB).

During the Executive Order Fifteen review, there were comments about the need for more stringent regulations to ensure the competency of foreign trained applicants. The board agreed to review findings of a task force of AOTCB on that issue and consider whether there is a need for an additional period of supervised practice and for passage of the Test of Spoken English (TSE) to provide such assurance.

Since completion of the Executive Order Review, the AOTCB has completed its review of eligibility policies and procedures and issued its plan to become effective with the March 1997 certification examination. New requirements for foreign-trained candidates (outside the U. S. or its territories or where courses are not taught in English) include passage of the Test of English as a Foreign Language, the Test of Spoken English, and the Test of Written English. In addition, the AOTCB has addressed concerns about the standards and accreditation process of the World Federation of Occupational Therapy in certifying equivalent education for foreign-trained graduates. Additional requirements and more stringent credential review by the AOTCB respond to the need for additional criteria which was a recommendation of the Executive Order Fifteen report, and so only clarifying amendments are recommended in Part II on requirements for certification.

Proposed Regulations

Issue 3: The need for a regulation stipulating a limitation on the number of times an applicant may take the national examination.

The board considered an alternative of placing a limit of three times on the number of times a person may attempt to pass the licensing examination, as is done in other professional regulations. The board has concern about persons who fail the examination repeatedly without receiving additional education and training.

With adoption of new certification policies by the AOTCB effective with the March 1997 examination, the board determined that its concerns about repeated examinations have been appropriately addressed. Applicants who fail the national certification examination after three attempts will be required by the AOTCB to submit a remediation plan designed to prepare them to pass the next examination. Acceptance of the AOTCB requirements as the threshold for certification in Virginia alleviates the need for additional regulation.

Issue 4: The need for an alternative regulation for applicants who have completed educational and field work requirements but have not yet received a degree to allow for practice under supervision.

During its review and analysis, the board considered a regulation to allow for supervised practice for a limited period of time for those who have completed educational requirements but have not received a degree. Its recommendation was to allow an applicant who has completed degree requirements in an accredited program but not received a degree to begin working for one year prior to passage of the examination.

After a review of the Code, the Advisory Board determined that there are no criteria for a person who practices occupational therapy under clinical supervision. Therefore, no additional regulation is necessary.

Issue 5: The need for clarification of supervision of uncertified persons by occupational therapists.

First, the board determined that its rule on reinstatement of persons who have allowed their certificate to lapse for more than six years should specify that supervision of practice must be by a certified occupational therapist in accordance with the statutory mandate.

Second, the board considered some changes to its rules on supervisory responsibilities of a certified occupational therapist. Alternatives considered were (i) a reduction in the frequency of review and evaluation of the treatment plan; (ii) an increase in the number of persons under the supervision of an occupational therapist; or (iii) elimination of the general requirement for supervision to be replaced by the specific responsibility of the supervising occupational therapist for clinical practice and for the treatment actions of the persons under supervision.

The board determined that the third alternative was the most reasonable; it narrows the supervisory role to the clinical practice where the direct involvement of the occupational therapist is critical to the welfare and safety of the patient.

Issue 6: The need for some regulation on unprofessional conduct or standards of conduct.

The board considered several alternatives: (i) continue without any regulation on unprofessional conduct and sanctions since Title 54.1, Chapter 29 is applicable to occupational therapy; (ii) specify in regulation the acts which may subject a certificate holder to disciplinary actions; or (iii) reference in regulation the statutory requirements on unprofessional conduct and possible sanctions by the board.

The board determined that the first option was the least burdensome and most reasonable. Until there is a problem with occupational therapists resulting in complaints from the public and ensuing disciplinary actions by the board, there is no need for additional regulation. The board has the authority under Chapter 29 to take any necessary action.

Issue 7: The need to adopt a less burdensome application fee for persons entering the profession in Virginia.

The board is required by the § 54.1-2400 (5) to cover all expenses of administering a regulatory program for all health professions with the fees charged to the regulated entities. It is further required to examine its revenues and expenses at the end of each biennium and to amend its fees if the differential is greater than 10%. At the end of the '92-'94 biennium, an analysis of revenues and expenses for the Board of Medicine was performed, and it was determined that its fees were sufficient but not excessive. The advisory committee does recommend a reduction in the initial fee for certification which is sufficient to cover the expenses of processing and approving an application.

Advantages or disadvantages to the certified occupational therapists:

Clarification and updating of these regulations will answer questions by applicants about approved educational programs and by supervising occupational therapists about their responsibilities. Lowering the application fee will be an advantage to applicants for certification in Virginia. There are no disadvantages of proposed amendments to occupational therapists.

Advantages or disadvantages to the public:

There are no advantages or disadvantages to the public, unless it could be argued that lowering the application fee will potentially increase the supply of occupational therapists in the Commonwealth.

Estimated Impact:

A. Projected number of persons affected and their cost of compliance: There are approximately 1,400 occupational therapists who would be affected by amendments to regulation.

There will be no cost for compliance by regulated entities or their employers. Persons who apply for certification in Virginia will have a cost benefit of \$50 due to a proposed reduction in the application fee to the board.

B. Cost to the agency for implementation: The board will incur approximately \$1,000 in cost for printing and mailing final amended regulations to certificate holders and other interested parties. There will be no additional cost for

conducting a public hearing, which will be held in conjunction with a scheduled committee or board meeting. The board does not anticipate any additional costs for investigations or administrative proceedings against occupational therapists for violations of these regulations.

There will be a small loss of biennial revenue of approximately \$25,000 (500 applicants per biennium at \$50) as a result of the reduction from \$150 to \$100 in the application fee. Within budgeted revenue of approximately \$5.5 million for the Board of Medicine, the reduction can be absorbed without any appreciable impact on the board's ability to perform its functions.

C. Cost to local governments: There will be no impact of these regulations on local government.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic effects.

Summary of the Proposed Regulation. The proposed regulation amends current regulations governing the certification of occupational therapists in Virginia. Most of the amendments contained in the proposed regulation are simply clarifications and will have no substantive economic consequences (e.g., changing the phrase "approved supervised practice" to "approved practice ... under the supervision of a certified occupational therapist" to clarify what constitutes approved supervision). The one amendment that is anticipated to have economic consequences is a proposed reduction in the fee charged for initial certification from \$150 to \$100.

Estimated Economic Impact. The primary economic effect of the proposed regulation would be to reduce the regulatory compliance costs incurred by certified occupational therapists. According to information provided by the Board of Medicine, each biennium approximately 500 applicants pay the initial certification fee. This implies that the total biennial reduction in regulatory compliance costs occasioned by the proposed fee reduction would be roughly \$25,000 (500 applicant times the \$50 fee reduction).

Even though the total reduction in regulatory compliance costs occasioned by the proposed fee reductions is substantial, from an individual perspective, such fees represent only a very small portion of the total cost of becoming a certified occupational therapist (e.g., the total cost of entry into the profession would include all educational and training expenses). As a result, fee changes like the ones contained in the proposed regulation are unlikely to

have a significant effect on the decision of individuals to enter or exit this profession. For this reason, the proposed regulation should have no economic effects beyond the anticipated reduction in regulatory compliance costs.

Businesses and Entities Particularly Affected. The proposed regulation particularly affects the approximately 1,400 occupational therapists working in Virginia, their patients, and all individuals seeking Virginia certification as occupational therapists in the future.

Localities Particularly Affected. No localities are particularly affected by the proposed regulation.

Projected Impact on Employment. The proposed regulation is not anticipated to have a significant effect on employment.

Effects on the Use and Value of Private Property. The proposed regulation is not anticipated to have a significant effect on the use and value of private property.

Summary of Analysis. The proposed regulation contains amendments that (i) clarify certain portions of the existing regulation, and (ii) reduce the fee for initial certification of occupational therapists from \$150 to \$100. It is anticipated that only the fee reduction will have an economic effect, and that the thrust of that effect will be a decrease in total regulatory compliance costs of approximately \$25,000 per biennium.

Agency's Response to Department of Planning and Budget's Economic Impact Analysis: The Board of Medicine concurs with the analysis of the Department of Planning and Budget.

Summary:

The proposed amendments repeal some regulations in which requirements are already stated in the Code of Virginia, update some definitions, and clarify that supervision of uncertified persons is to be performed by a certified occupational therapist. The board also proposes to lower the application fee from \$150 to \$100.

18 VAC 85-80-10. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Advisory board" means the Advisory Board of Occupational Therapy.

"AOTA" means the American Occupational Therapy Association, Inc.

"AOTCB" means the American Occupational Therapy Certification Board, Inc., under which the national examination for certification is developed and implemented.

~~"AMA" means the American Medical Association.~~

"ACOTE" means the Accreditation Council for Occupational Therapy Education.

"Board" means the Virginia Board of Medicine.

"Certification examination" means the national examination approved and prescribed by AOTCB for certification as an occupational therapist.

Proposed Regulations

~~"Occupational therapist" means a person who is qualified by education and training to administer an occupational therapy program current and valid certification by the board.~~

~~"Occupational therapy personnel" means persons who provide occupational therapy services under the supervision of a certified occupational therapist.~~

~~"TOEFL" means the Test of English as a Foreign Language.~~

~~"World Federation of Occupational Therapists" means the association of member nations outside of the United States, its possessions or territories whose academic and clinical fieldwork requirements are in accordance with the American Occupational Therapy Association Essentials of an accredited educational program for an occupational therapist.~~

18 VAC 85-80-30. General requirements. ~~Repealed.~~

~~A. No person shall practice as an occupational therapist in the Commonwealth except as provided in this chapter.~~

~~B. Certification by the board to practice as an occupational therapist shall be by examination as prescribed in this chapter.~~

18 VAC 85-80-40. Educational requirements.

A. An applicant for certification who has received his professional education in the United States, its possessions or territories, ~~must~~ shall successfully complete all academic and fieldwork requirements of an AMA/AOTA accredited educational program as verified by the candidate's program director ACOTE.

~~B. An applicant who does not meet the educational requirements as prescribed in subsection A of this section but who holds certification by the AOTCB as an occupational therapist shall provide verification of his education, training and work experience acceptable to the board.~~

~~C. B.~~ An applicant who has received his professional education outside the United States, its possessions or territories, ~~must~~ shall successfully complete all academic and clinical fieldwork requirements of a program approved by a member association of the World Federation of Occupational Therapists as verified by the candidate's occupational therapy program director and approved by the AOTCB and submit proof of proficiency in the English language by passing the *Test of English as a Foreign Language (TOEFL)* with a grade of not less than 560, ~~the Test of English as a Foreign Language (TOEFL); or an equivalent examination approved by the board.~~ TOEFL may be waived upon evidence of English proficiency.

~~D. C.~~ An applicant who does not meet the educational requirements as prescribed in ~~subsection C~~ subsections A or B of this section but who holds certification by the AOTCB as an occupational therapist shall be eligible for certification in Virginia and shall provide the board verification of his education, training and work experience acceptable to the board.

18 VAC 85-80-50. Certification by Examination requirements.

A. An applicant for certification to practice as an occupational therapist ~~must~~ shall submit evidence to the board that he holds current and valid certification from the AOTCB.

B. An applicant must submit the application, credentials and prescribed fees as required by the board for certification.

C. An applicant who has graduated ~~received a degree~~ from a duly accredited educational program in occupational therapy shall be allowed to practice as an occupational therapist for one year from the date of graduation or until he has taken and received a passing grade of the certification examination, whichever occurs sooner.

D. An applicant who fails to successfully pass the examination within one year after graduation may practice occupational therapy under the supervision of a certified occupational therapist until successful completion of the certification examination and the filing of the required application, credentials, and fee.

E. An applicant who does not qualify by education for the AOTCB Certification Examination and who does not hold a valid certificate from the AOTCB but who is currently practicing occupational therapy may submit, for review and recommendation of the advisory board and the approval by the board, evidence of his education, training, and experience along with a request to take the examination for certification as an occupational therapist in Virginia. A person who does not take the certification examination may continue practice occupational therapy under the supervision of a occupational therapist.

18 VAC 85-80-60. Practice requirements.

An applicant who has met education and examination requirements but who has not practiced occupational therapy for a period of six years shall serve a board approved supervised practice of 160 hours which is to be completed in two consecutive months *under the supervision of a certified occupational therapist.*

18 VAC 85-80-80. Reinstatement.

A. An occupational therapist who allows his certification to lapse for a period of two years or more and chooses to resume his practice shall make a new application to the board and payment of the fee for reinstatement of his certification as prescribed in 18 VAC 85-80-120 B of this chapter.

B. An occupational therapist who has allowed his certification to lapse for six years or more, ~~must and who has been professionally inactive, shall~~ serve a board approved, supervised practice of 160 hours to be completed in two consecutive months *under the supervision of a certified occupational therapist.*

C. An occupational therapist whose certification has been revoked by the board and who wishes to be reinstated ~~must~~ shall make a new application to the board and payment of the fee for reinstatement of his certification as prescribed in

VAC 85-80-120 F of this chapter pursuant to § 54.1-2921 of the Code of Virginia.

18 VAC 85-80-110. Supervisory responsibilities.

A. An occupational therapist shall be responsible for supervision of occupational therapy personnel who work under his direction.

B. The ~~supervising~~ occupational therapist *providing clinical supervision* shall meet with the occupational therapy personnel to review and evaluate treatment and progress of the individual patients at least once every fifth treatment session or 21 calendar days, whichever occurs first.

C. An occupational therapist shall not ~~supervise~~ *provide clinical supervision* for more than six occupational therapy personnel.

D. An occupational therapist shall be responsible for ~~any action~~ *the direct treatment actions* of persons providing occupational therapy under his *clinical* supervision.

18 VAC 85-80-120. Fees.

The following fees have been established by the board:

1. The initial fee for the occupational therapist certification shall be ~~\$150~~ \$100.
2. The fee for reinstatement of the occupational therapist certification shall be \$150.
3. The fee for certification renewal shall be \$85 and shall be due in the birth month of the certified therapist in each even-numbered year.
4. The additional fee to cover administrative costs for processing a late application shall be \$25 for each renewal cycle.
5. The fee for a letter of good standing/verification to another state for a license or certification shall be \$10.
6. The fee for reinstatement of revoked certification shall be \$500.

FORMS

Application for Certification to Practice Occupational Therapy, DHP-030-060 (eff. 3/94) DHP-030-080 (rev. 11/95).

Verification of Certification - American Occupational Therapy Certification Board (eff. 7/93).

Employment Verification (eff. 7/93).

Clearance from Other State Board or Regulatory Authority - Occupational Therapy (eff. 7/93).

Instructions for Completing an Application for Certification as an Occupational Therapist.

VA.R. Doc. No. R97-205; Filed December 17, 1996, 11:15 a.m.

ALL QUESTIONS MUST BE ANSWERED.

IF ANY OF THE FOLLOWING QUESTIONS IS ANSWERED YES, EXPLAIN AND SUBSTANTIATE WITH DOCUMENTATION.

3. List all jurisdictions in which you have been issued a license to practice Occupational Therapy; active, inactive, or expired:

	Yes	No
4. Have you ever been denied the privilege of taking an Occupational Therapy examination for licensure or certification examination?	_____	_____
5. Have you ever taken the American Occupational Therapy Certification examination? If so, provide date _____	_____	_____
6. Have you ever been denied an Occupational Therapy license or certificate?	_____	_____
7. Have you ever been convicted of a violation of/ or pled Nolo Contendere to any Federal, State, or local statute, regulation or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor? (Excluding traffic violations, except convictions for driving under the influence.)	_____	_____
8. Have you ever been censured, warned, or requested to withdraw from or otherwise disciplined by any hospital, nursing home, or other health care facility?	_____	_____
9. Have you ever had any of the following disciplinary actions taken against your license or certificate to practice Occupational Therapy, or are any such actions pending? (a) suspension/revocation (b) probation (c) reprimand/cease and desist (d) had your practice monitored	_____	_____
10. Have you ever had any membership in a state or local professional society revoked, suspended, or involuntarily withdrawn?	_____	_____
11. Have you had any malpractice suits brought against you in the last ten years? If so, how many? _____ Provide a letter from your attorney explaining each case.	_____	_____
12. Have you ever been treated by, consulted with, or been under care of a professional for substance abuse within the last two years? If so, provide a letter from the treating professional which includes diagnosis, treatment, and prognosis.	_____	_____
13. Do you have a physical disease, a mental disorder, or any condition which could affect your performance of professional duties? If so, provide a letter from your treating professional to include diagnosis, treatment, prognosis and fitness to practice.	_____	_____

(THIS SECTION MUST BE NOTARIZED)

I, _____, being first duly sworn, depose and say that I am the person referred to in the foregoing application and supporting documents.

I hereby authorize all hospitals, institutions, or organizations, my references, personal physicians, employers (past and present), business and professional associates (past and present), and all governmental agencies and instrumentalities (local, state, federal, or foreign) to release to the Virginia Board of Medicine any information, files, or records requested by the Board in connection with the processing of individuals and groups listed above, any information which is material to me and my application.

I have carefully read the questions in the foregoing application and have answered them completely, without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for the denial, suspension or revocation of my certificate to practice Occupational Therapist in the Commonwealth of Virginia.

RIGHT THUMB PRINT

If right thumb is missing, use left and so indicate.

Signature of Applicant

City/County of _____ State of _____

Subscribed to and sworn before me this _____ day of _____ 19 _____

My commission expires _____

SEAL

Signature of Notary Public

CERTIFICATE OF PROFESSIONAL EDUCATION

It is hereby certified that _____

Name

matriculated in _____ on _____ and received

Course of Study Date

or will receive a diploma from _____

Institution

conferring the degree of _____ on _____

Degree Date

SCHOOL SEAL

Dean, Program Director, or Chairman

FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates new text. Language which has been stricken indicates text to be deleted. [Bracketed language] indicates a substantial change from the proposed text of the regulation.

BOARD FOR BARBERS

REGISTRAR'S NOTICE: The following fee reductions filed by the Board for Barbers are exempt from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C 9 of the Code of Virginia, which excludes regulations of the regulatory boards served by the Department of Professional and Occupational Regulation pursuant to Title 54.1 which are limited to reducing fees charged to regulants and applicants.

Title of Regulation: 18 VAC 40-20-10 et seq. Board for Barbers Regulations (amending 18 VAC 40-20-20, 18 VAC 40-20-90, 18 VAC 40-20-110 through 18 VAC 40-20-140, 18 VAC 40-20-150, and 18 VAC 40-20-170).

Statutory Authority: § 54.1-201 of the Code of Virginia.

Effective Date: March 1, 1997.

Summary:

The amendments reduce the fees charged to applicants for licensure and certification and for renewal of licenses and certifications, and eliminate the fee for a temporary permit.

Agency Contact: Copies of the regulation may be obtained from Karen W. O'Neal, Board for Barbers, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8509.

18 VAC 40-20-20. General requirements for a barber license.

A. Upon filing an application with the board on forms approved by the board, and upon paying the required fee, any person shall be granted a license provided the application contains evidence satisfactory to the board that an applicant has passed the examination administered by the board or by independent examiners after having completed one of the following:

1. Has graduated from a school of barbering approved by the board;
2. Has completed a course in a public school with a curriculum in barbering approved by the State Department of Education;
3. Has been trained as a barber at any state institution;
4. Has experience as a barber in the armed forces; or
5. Has completed an apprenticeship program approved by the board.

B. The barber license application fee shall be \$75 ~~\$65~~.

18 VAC 40-20-90. Barber temporary permit.

A. A temporary permit to work under the supervision of a currently licensed barber may be issued to any person that

the board finds eligible for examination. ~~The fee for the temporary permit shall be \$20.~~

B. The temporary permit shall remain in force until 45 days following the next examination for which the applicant would be eligible.

C. Any person continuing to practice barbering after a temporary permit has expired may be prosecuted under § 54.1-111 A 1 of the Code of Virginia.

D. No applicant for examination shall be issued more than two temporary permits.

18 VAC 40-20-110. Student teacher temporary permit.

A. A licensed barber or person holding a temporary permit may be granted a student teacher temporary permit to function under the direct supervision of a barber-teacher. The student teacher temporary permit shall remain in force for not more than 24 months after the date of issuance and shall be nontransferable. Failure to maintain a barber license or a temporary permit pending examination shall disqualify an individual from holding a student teacher temporary permit.

B. The fee for a student teacher temporary permit shall be \$75 ~~\$65~~.

18 VAC 40-20-120. License by endorsement.

Any person currently licensed to practice as a barber in any other state in the United States, the District of Columbia, or Puerto Rico may, upon proper application to the board, be issued a license to practice as a barber in this Commonwealth without being required to pass an examination.

The application fee for a license by endorsement shall be \$150 ~~\$140~~.

18 VAC 40-20-130. Shop license.

Any person, firm, or corporation operating any place or establishment providing barber services must have a valid shop or school license. The barber shop license shall not be transferable and shall bear the same name and address as the business. An application for a barber shop license shall be accompanied by an affidavit of inspection required by any local health department. Any changes in the name of the salon, address, or owners shall be reported to the board in writing within 30 days of such changes.

The application fee for a shop license shall be \$100 ~~\$90~~.

18 VAC 40-20-140. School license.

A license may be issued to any school approved by the board as meeting the standards set forth in Part V of this chapter (18 VAC 40-20-210 et seq.). The barber school license shall not be transferable and shall bear the same name and address as the business. Any changes in the

name of the school, address, or owners shall be reported to the board in writing within 30 days of such changes.

The application fee for a school license shall be ~~\$460~~ \$150.

18 VAC 40-20-150. License renewal required.

A. All licenses issued by the board will expire on March 31 of each odd-numbered year.

B. The renewal fee for a barber license shall be ~~\$75~~ \$30, for a teacher license shall be ~~\$400~~ \$55, for a shop license shall be ~~\$400~~ \$55, and for a school license shall be ~~\$460~~ \$115.

18 VAC 40-20-170. Failure to renew.

A. Any licensee who fails to renew a license within one month after the license expires will be required to pay a late renewal fee which shall be equal to twice the regular renewal fee. The late renewal for a barber license shall be ~~\$75~~ \$55, for a teacher license shall be ~~\$400~~ \$80, for a shop license shall be ~~\$400~~ \$80, and for a school license shall be ~~\$460~~ \$140.

B. Any licensee who fails to renew his license within six months after the expiration date of his license must apply for reinstatement of the license by submitting to the department a reinstatement application and fee which shall be equal to twice the regular renewal fee with a statement of the reasons for failing to renew prior to the expiration date. The fee for reinstatement of a barber license shall be ~~\$450~~ \$90, for a teacher license shall be ~~\$200~~ \$155, for a shop license shall be ~~\$460~~ \$155, and for a school license shall be ~~\$320~~ \$215.

C. Upon receipt of the reinstatement application, fee, and statement, the board may grant reinstatement of the license or require requalification, reexamination, or both before granting the reinstatement.

D. When an individual licensee fails to renew his license after a two-year period, the licensee must pass both a practical and written examination in order to be reinstated unless the requirement is waived by the board.

E. The date the renewal application is received by the department or its agent shall be the factor determining whether a license shall be renewed without penalty fees or shall be subject to reinstatement procedures.

VA.R. Doc. No. R97-194; Filed December 10, 1996, 3:17 p.m.

DEPARTMENT OF CORRECTIONAL EDUCATION

Title of Regulation: 6 VAC 10-10-10 et seq. Public Participation Guidelines.

Statutory Authority: §§ 9-6.14:7.1 and 22.1-343 of the Code of Virginia.

Effective Date: February 5, 1997.

Summary:

The regulation administers the agency's policy on public participation in its regulatory promulgation, amendment and repeal processes. This regulation sets out the

procedure that the agency follows in the regulatory process. In addition, it lays out from whom the agency will solicit comments when considering regulatory action and how and when the public may participate in the agency's regulatory process. The agency's promulgation of its Public Participation Guidelines is in full compliance with the Virginia Register Act, the Administrative Process Act, and Chapter 898 of the 1993 Acts of Assembly. These guidelines shall apply to all regulations proposed or promulgated by the Board of Correctional Education that are subject to the Administrative Process Act.

Summary of Public Comment and Agency Response: No public comment was received by the promulgating agency or viewed at the office of the Registrar of Regulations.

Agency Contact: Copies of the regulation may be obtained from Mark Monson, Regulatory Coordinator, Department of Correctional Education, James Monroe Building, 101 North 14th Street, 7th Floor, Richmond, VA 23219, telephone (804) 786-4519.

CHAPTER 10.

PUBLIC PARTICIPATION GUIDELINES.

6 VAC 10-10-10. Definitions.

The following words and terms, when used in this chapter, shall mean the following unless the context clearly states otherwise:

"Administrative Process Act" means Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

"Agency" means the Department of Correctional Education.

"Approving authority" means the Board of Correctional Education established pursuant to Chapter 18 (§ 22.1-339 et seq.) of Title 22.1, of the Code of Virginia as the legal authority to adopt regulations.

"Formal hearing" means an agency process other than an informational or factual inquiry of an informal nature provided in § 9-6.14:7.1 of the Administrative Process Act, and includes an opportunity for private parties to submit factual proofs in evidential hearings as provided in § 9-6.14:8 of the Administrative Process Act.

"Locality particularly affected" means a locality that bears an identified disproportionate material impact that would not be felt by other localities.

"Participatory approach" means a method for the use of (i) standing advisory committees, (ii) ad hoc advisory groups or panels, (iii) consultation with groups or individuals registering interest in working with the agency, or (iv) a combination of these in the formation and development of regulations for agency consideration. When an ad hoc advisory group is formed, the group shall include representatives of the regulated community and the general public. The decisions as to membership of the group shall be at the discretion of the superintendent.

"Person" means an individual, corporation, partnership, association, governmental body, municipal corporation, or other legal entity.

Final Regulations

"Public hearing" means an informal proceeding, held in conjunction with the Notice of Comment Period, and similar to that provided for in § 9-6.14.7.1 of the Administrative Process Act, to afford persons an opportunity to submit views and data relative to regulations on which a decision of the appropriate authority is pending.

"Public meeting" means an informal proceeding conducted by the agency in conjunction with the Notice of Intended Regulatory Action to afford persons an opportunity to submit comments relative to intended regulatory action.

"Superintendent" means the Superintendent of the Department of Correctional Education, or his designee.

6 VAC 10-10-20. General provisions; petitioning for the adoption, amendment or repeal of a regulation.

A. The procedures in 6 VAC 10-10-30 shall be used for soliciting input of interested persons in the formation, development, amendment or repeal of regulations exempted from the provisions of the Administrative Process Act (§ 9-6.14.4.1 A and B) or excluded from the operation of Article 2 (§ 9-6.14.4.1 C) of the Administrative Process Act.

B. The failure of any person to receive a notice or copies of a document provided under these guidelines shall not affect the validity of a regulation.

C. Any person may petition the approving authority for the adoption, amendment or repeal of a regulation. The petition, at a minimum, shall contain the following information:

1. Name of the petitioner;
2. Petitioner's mailing address and telephone number;
3. Petitioner's interest in the proposed action;
4. Recommended regulation or addition, deletion or amendment to a specific regulation or regulations;
- [5. Statement of need and justification for the proposed action;
6. Statement of impact on the petitioner and other affected persons; and
7. Supporting documents, as applicable.

D. The approving authority shall provide a written response to the petitioners within 180 days from the date the petition was received.]

6 VAC 10-10-30. Public participation guidelines.

A. The agency shall establish and maintain a list or lists consisting of persons expressing an interest in the adoption, amendment or repeal of regulations. Any person wishing to be placed on a list may do so by writing the agency. In addition, the agency, at its discretion, may add to the list any person, organization or publication it believes will be interested in participating in the promulgation of regulations. Individuals and organizations may be periodically requested to state their desire to continue to receive documents or be deleted from a list. Individuals and organizations may be deleted from a list at the request of the individual or at the discretion of the agency when mail is returned as undeliverable.

B. Whenever the approving authority so directs, or on its own initiative, the agency may begin the regulatory adoption process and proceed to draft a proposal according to these procedures.

C. The agency shall use the participatory approach to assist in the development of the proposal or use one of the following alternatives:

1. Proceed without using the participatory approach if the approving authority specifically authorizes the agency to proceed without using the participatory approach.

2. Include in the Notice of Intended Regulatory Action (NOIRA) a statement inviting comment on whether the agency should use the participatory approach to assist the agency in the development of the proposal. If the agency receives written responses from at least five persons during the associated comment period indicating that the agency should use the participatory approach, the agency shall use the participatory approach requested. Should different approaches be requested, the superintendent shall determine the specific approach to be utilized.

D. The agency shall issue a NOIRA whenever it considers the adoption, amendment or repeal of a regulation.

1. The NOIRA shall include at least the following:

- a. A description of the subject matter of the planned regulation.
- b. A description of the intent of the planned regulation.
- c. A brief statement as to the need of the regulatory action.
- d. A brief description of available alternatives to meet the need.
- e. A request for comments on the intended regulatory action, to include ideas to assist the agency in the development of a proposal.
- f. A request for comments on the costs and benefits of the stated alternatives or other alternatives.
- g. A statement of the agency's intent to hold at least one public hearing on the proposed regulation after it is published in the Virginia Register of Regulations. [The agency is required to hold a public hearing if (i) a hearing is required by the agency's basic law; (ii) the agency states an intent to hold a public hearing on the proposed regulation in the NOIRA; (iii) the agency's public participation guidelines require that a public hearing be held; (iv) the Governor directs that the agency hold a public hearing; or (v) the agency receives requests for a public hearing from at least 25 persons.]
- h. A statement inviting comment on whether the agency should use the participatory approach to assist the agency in the development of a proposal. This statement shall only be required when the agency

makes a decision to pursue the alternative provided in subdivision C 2 of this section.

2. The agency shall hold at least one public meeting whenever it considers the adoption, amendment or repeal of a regulation unless the approving authority specifically authorizes the agency to proceed without holding a public meeting. In those cases where the public meeting or meetings will be held, the NOIRA shall also include the date, not to be less than 30 days after publication in the Virginia Register of Regulations, time and place of the public meeting or meetings.

3. The public comment period for NOIRAs under this section shall be no less than 30 days after publication of the NOIRA in the Virginia Register of Regulations.

E. The agency shall disseminate the NOIRA to the public via the following:

1. Distribution to the Registrar of Regulations for publication in the Virginia Register of Regulations; and

2. Distribution by mail to persons on the list or lists established under subsection A of this section.

F. After consideration of public input, the agency may draft the proposed regulation and supporting documentation required for review. If the participatory approach is being used, the draft regulation shall be developed in consultation with the participants. A summary or copies of the comments received in response to the NOIRA shall be distributed to the participants during development of the draft regulation. The summary or copies of the comments received in response to the NOIRA shall also be distributed to the approving authority.

G. On approval of the draft proposed regulation by the approving authority, the agency shall publish a Notice of Comment Period (NOCP) and the proposal for public comment.

H. The NOCP shall include at least the following:

1. The notice of the opportunity to comment on the proposed regulation, the location where copies of the draft may be obtained, and the name, address and telephone number of the individual to contact for further information about the proposed regulation.

2. A request for comments on the costs and benefits of the proposal.

3. The identity of a locality particularly affected by the proposed regulation.

4. A statement that an analysis of the following has been conducted by the agency and is available to the public on request:

a. A statement of purpose: the rationale or justification for the new provisions of the regulation from the standpoint of the public's health, safety or welfare.

b. A statement of estimated impact:

(1) Projected number and types of regulations entities or persons affected.

(2) Projected cost, expressed as a dollar figure or range, to regulated entities (and to the public, if applicable) for implementation and compliance. In those instances where the agency is unable to quantify projected costs, it shall offer qualitative data, if possible, to help define the impact of the regulation. Qualitative data shall include, if possible, an example or examples of the impact of the proposed regulation on a typical member, or on members of the regulated community.

(3) Projected cost to the agency for implementation and enforcement.

(4) The beneficial impact the regulation is designed to produce.

c. An explanation of need for the proposed regulation and potential consequences that may result in the absence of the regulation.

d. An estimate of the impact of the proposed regulation on small businesses as defined in § 9-199 of the Code of Virginia or on organizations in Virginia.

e. A description of provisions of the proposed regulation which are more restrictive than applicable federal requirements together with the reason why the more restrictive provisions are needed.

f. A discussion of alternative approaches that were considered to meet the need the proposed regulation addresses, and a statement as to whether the agency believes that the proposed regulation is the least burdensome alternative to the regulated community that fully meets the stated purpose of the proposed regulation.

g. A schedule setting forth when, after the effective date of the regulation, the agency will evaluate it for effectiveness and continued need.

5. The date, time and place of at least one public hearing held in accordance with § 9-6.14:7.1 of the Code of Virginia to receive comments on the proposed regulation. The public hearing may be held during the public comment period, and whenever practicable, no less than 15 days before the close of the public comment period. The public hearing may be held in a location that the agency determines will best facilitate input from interested persons. In those cases where the agency chooses to [or is required to] conduct a formal hearing, the notice shall show that the formal hearing will be held in accordance with § 9-6.14:8 of the Administrative Process Act.

I. The public comment period shall close no less than 60 days after publication of the NOCP in the Virginia Register of Regulations.

J. The agency shall disseminate the NOCP to the public via the following:

Final Regulations

1. Distribution to the Registrar of Regulations for publication in the Virginia Register of Regulations.
2. Publication in a newspaper of general circulation published at the state [~~capital~~ capital] and other newspapers as the agency may deem appropriate.
3. Distribution by mail to persons on the list or lists established under subsection A of this section.

K. The agency shall prepare a summary of comments received in response to the NOCP and the agency's response to the comments received. The agency shall send a draft of the summary of comments to the public comment participants on the proposed regulation at least five days before final adoption of the regulation. The agency shall submit the summary and agency response and, if requested, submit the full comments to the approving authority. The summary, the agency response, and the comments shall become a part of the agency file and after final action on the regulation by the approving authority, made available, on request, to interested persons.

L. If the agency determines that the process to adopt, amend or repeal a regulation should be ended after approval of the draft proposed regulation by the approving authority, the agency shall present to the approving authority for their consideration a recommendation and rationale for the withdrawal of the proposed regulation.

M. Completion of the remaining steps in the adoption process shall be carried out in accordance with the Administrative Process Act.

V.A.R. Doc. No. R97-204; Filed December 17, 1996, 11:11 a.m.

CRIMINAL JUSTICE SERVICES BOARD

Title of Regulation: 6 VAC 20-170-10 et seq. Regulations Relating to Private Security Services (amending 6 VAC 20-170-10, 6 VAC 20-170-20, 6 VAC 20-170-50, 6 VAC 20-170-60, 6 VAC 20-170-80, 6 VAC 20-170-90, 6 VAC 20-170-100, 6 VAC 20-170-150, 6 VAC 20-170-200, 6 VAC 20-170-210, 6 VAC 20-170-230 through 6 VAC 20-170-280, 6 VAC 20-170-340 through 6 VAC 20-170-400, 6 VAC 20-170-430, 6 VAC 20-170-460, 6 VAC 20-170-470, 6 VAC 20-170-480, 6 VAC 20-170-520 through 6 VAC 20-170-550, 6 VAC 20-170-620 through 6 VAC 20-170-650, 6 VAC 20-170-730, 6 VAC 20-170-760, 6 VAC 20-170-770, 6 VAC 20-170-820, 6 VAC 20-170-830, 6 VAC 20-170-930 through 6 VAC 20-170-960, 6 VAC 20-170-1000; adding 6 VAC 20-170-45, 6 VAC 20-170-55, 6 VAC 20-170-75, 6 VAC 20-170-76, 6 VAC 20-170-475, 6 VAC 20-170-615 through 6 VAC 20-170-619, 6 VAC 20-170-625, and 6 VAC 20-170-765; repealing 6 VAC 20-170-220, 6 VAC 20-170-490, 6 VAC 20-170-500, 6 VAC 20-170-510, 6 VAC 20-170-560 through 6 VAC 20-170-610, and 6 VAC 20-170-840 through 6 VAC 20-170-890).

Statutory Authority: § 9-182 of the Code of Virginia.

Effective Date: February 5, 1997.

Summary:

The primary amendments incorporate legislative changes including the definitions of "business advertising material" and "license number" to establish the regulatory procedure for complying with the law requiring all advertisements by private security services businesses to include their license number issued by DCJS. In addition, legislation provided individuals requiring registration in any electronic security services category a 90-day time period in which they may complete the required entry-level training. Changes that were not a result of legislation include provisions allowing an option for a two-year renewal for businesses and training schools at a reduced fee; authorization for DCJS to issue a temporary business license, training school and instructor certification, provided basic requirements are met; allowing individuals who have completed security officer training to apply for certification by DCJS without currently being employed by a licensee, and establishing requirements; and establishing the in-service training requirements for private security instructors and compliance agents.

Summary of Public Comment and Agency Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

Agency Contact: Copies of the regulation may be obtained from Leon D. Baker, Jr., Department of Criminal Justice Services, P.O. Box 10110, Richmond, VA 23240-9998, telephone (804) 786-4700.

PART I. DEFINITIONS.

6 VAC 20-170-10. Definitions.

The following words and terms, when used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise.

"Alarm respondent" means a natural person who responds to the signal of an alarm for the purpose of detecting an intrusion of the home, business or property of the end user.

"Any person engaged in the business of providing or who undertakes to provide" means any person who solicits business within the Commonwealth of Virginia through advertising, business cards, submission of bids, contracting, public notice for private security services, directly or indirectly, or by any other means.

"Armed security officer" means a security officer, as defined below, who carries or has immediate access to a firearm or other deadly weapon in the performance of his duties.

"Armored car personnel" means persons who transport or offer to transport under armed security from one place to another, money, negotiable instruments or other valuables in a specially equipped motor vehicle with a high degree of security and certainty of delivery.

"Board" means the Criminal Justice Services Board or any successor board or agency.

"Business advertising material" means telephone directories, stationery, business cards, local newspaper advertising and contracts.

"Central station dispatcher" means a natural person who monitors burglar alarm signal devices, burglar alarms or any other electrical, mechanical or electronic device used to prevent or detect burglary, theft, shoplifting, pilferage or similar losses; used to prevent or detect intrusion; or used primarily to summon aid for other emergencies.

"Certification" means a method of regulation whereby ~~certain individual personnel qualified individuals who are eligible to be employed by a private security services business or a private security training school are required to obtain certification from the department pursuant to the Code of Virginia have met the minimum requirements set forth in this chapter.~~

"Certified school director" means the chief administrative officer of a certified training school.

"Certified training school" means a training school which provides instruction in at least the minimum training mandated and is certified by the department for the specific purpose of training private security services business personnel.

"Class" means a minimum of 50 minutes of instruction on a particular subject.

"Combat load" means tactical loading of shotgun while maintaining coverage of threat area.

"Compliance agent" means a natural person who is an owner of, or employed by, a licensed private security services business. The compliance agent shall assure the compliance of the private security services business with all applicable requirements as provided in § 9-183.3 of the Code of Virginia.

"Courier" means any armed person who transports or offers to transport from one place to another documents or other papers, negotiable or nonnegotiable instruments, or other small items of value that require expeditious service.

"Department" means the Department of Criminal Justice Services or any successor agency.

"Director" means the chief administrative officer of the department.

"Electronic security business" means any person who engages in the business of or undertakes to (i) install, service, maintain, design or consult in the design of any electronic security equipment to an end user; or (ii) respond to or cause a response to electronic security equipment for an end user.

"Electronic security employee" means a natural person who is employed by an electronic security business in any capacity which may give him access to information concerning the design, extent or status of an end user's electronic security equipment.

"Electronic security equipment" means electronic or mechanical alarm signaling devices including burglar alarms or holdup alarms or cameras used to detect intrusion, concealment or theft.

"Electronic security sales representative" means a natural person who sells electronic security equipment on behalf of an electronic security business to the end user.

"Electronic security technician" means a natural person who installs, services, maintains or repairs electronic security equipment.

"Electronic security technician's assistant" means a natural person who works as a laborer under the supervision of the electronic security technician in the course of his normal duties, but who may not make connections to any electronic security equipment.

"End user" means any person who purchases or leases electronic security equipment for use in that person's home or business.

~~"Engaging in the business of providing or undertaking to provide private security services" means any person who solicits business within the Commonwealth of Virginia through advertising, business cards, submission of bids, contracting, public notice for private security services, directly or indirectly, or by any other means.~~

"Firearms certification" means the verification of successful completion of either initial or retraining requirements for handgun or shotgun training, or both.

"Firm" means a business entity, regardless of method of organization, applying for a private security services business license or for the renewal or reinstatement of same.

"Guard dog handler" means any person employed by a private security services business to handle dogs in the performance of duty in protection of property or persons.

"Incident" means an event which exceeds the normal extent of one's duties.

"In-service training requirement" means the compulsory in-service training standards adopted by the Criminal Justice Services Board for private security services business personnel.

"License number" means the official number issued to a private security services business licensed by the department.

"Licensed firm" means a business entity, regardless of method of organization, which holds a valid private security services business license issued by the department.

"Licensee" means a licensed private security services business.

~~"Locksmith security equipment" means mechanical, electrical or electro-mechanical locking devices for the control of ingress or egress that do not primarily detect intrusion, concealment and theft.~~

"On duty" means that time during which a registrant or ~~unarmed security officer receives private security services business personnel receive or is are~~ entitled to receive

Final Regulations

compensation for employment for which a registration or training certification is required and that time while he is traveling, immediately before and after the period of actual duty, to and from the place of duty.

"Performance of his duties" means on duty in the context of this chapter.

"Person" means any individual, group of individuals, firm, company, corporation, partnership, business, trust, association, or other legal entity.

"Personal protection specialist" means any person who engages in the business of providing protection from bodily harm to another.

"Principal" means any sole proprietor, officer or director of the corporation individual listed as an officer or director with the Virginia State Corporation Commission, member of the association, or partner of a licensed firm or applicant for licensure.

"Private investigator" means any person who engages in the business of, or accepts employment to make, investigations to obtain information on (i) crimes or civil wrongs; (ii) the location, disposition, or recovery of stolen property; (iii) the cause of accidents, fires, damages, or injuries to persons or to property; or (iv) evidence to be used before any court, board, officer, or investigative committee.

"Private security services business" means any person engaged in the business of providing, or who undertakes to provide, (i) armored car personnel, security officers, personal protection specialists, private investigators, couriers, or guard dog handlers to another person under contract, express or implied; or (ii) alarm respondents, central station dispatchers, electronic security employees, electronic security sales representatives or electronic security technicians to another person under contract, express or implied.

"Private security services business personnel" means each employee of a private security services business who is employed as an unarmed security officer, armed security officer/courier, armored car personnel, guard dog handler private investigator, personal protection specialist, alarm respondent, central station dispatcher, electronic security employee, electronic security sales representative, electronic security technician or electronic security technician's assistant.

"Registrant" means any individual who has met the requirements for registration in any of the categories listed under "registration category."

"Registration" means a method of regulation whereby certain personnel employed by a private security services business are required to obtain a registration from the department pursuant to Part V of this regulation which identifies individuals as having met the minimum requirements for a particular registration category as set forth in this chapter.

"Registration category" means any one of the following categories: (i) armed security officer/courier, (ii) guard dog handler, (iii) armored car personnel, (iv) private investigator, (v) personal protection specialist, (vi) alarm respondent, (vii)

central station dispatcher, (viii) electronic security sales representative, or (ix) electronic security technician.

"Security officer" means any person employed by a private security service business to safeguard and protect persons and property or to prevent theft, loss, or concealment of any tangible or intangible personal property.

"Session" means a group of classes comprising the total hours of mandated training in any of the following categories: unarmed security officer, armed security officer/courier, personal protection specialist, armored car personnel, guard dog handler, private investigator, alarm respondent, central station dispatcher, electronic security sales representative, electronic security technician, electronic security technician's assistant or compliance agent.

~~"Store detective" means a security officer in the context of this chapter.~~

"This chapter" means the Regulations Relating to Private Security Services (6 VAC 20-170-10 et seq.) as part of the Virginia Administrative Code.

"Training certification" means verification of the successful completion of any training requirement established in this chapter.

"Training requirement" means any initial or retraining standard established in this chapter.

"Unarmed security officer" means a security officer who does not carry or have immediate access to a firearm or other deadly weapon in the performance of his duties.

~~"Undercover person" means a private investigator in the context of this chapter.~~

"Uniform" means any clothing with a badge, patch or lettering which clearly identifies persons to any observer as private security services business personnel, not law-enforcement officers.

PART II. SCHEDULE OF FEES.

6 VAC 20-170-20. Schedule of fees.

The fees listed below reflect the costs of handling, issuance, and production associated with administering and processing applications for licensing, registration, certification and other administrative requests for services relating to private security services.

Categories	Fees
Initial business license	\$600 \$518
Business license renewal	
Renewal for one year	\$250
Renewal for two years	\$450
Initial compliance agent	\$126
Initial registration	\$76
Registration renewal	\$35
Initial training school	\$500
Training school renewal	
Renewal for one year	\$250
Renewal for two years	\$450
Instructor	\$91

Instructor renewal <i>recertification</i>	\$40 \$25
Initial unarmed security officer training certification	\$15
Unarmed security officer training certification renewal	\$15
Application for training exemption	\$25
Fingerprint card processing	\$41
Additional registration categories	\$25
Replacement photo identification	\$15
Training completion roster form	\$10
Initial Electronic Security Technician's Assistant Certification	\$56
Electronic Security Technician's Assistant Certification Renewal	\$15
Initial Electronic Security Employee Certification	\$56
Electronic Security Employee Certification Renewal	\$15

PART III.
RENEWAL EXTENSION PROVISIONS.

6 VAC 20-170-45. Extension of time period to meet renewal requirements.

A. An extension of the time period to meet renewal requirements may be approved only under specific circumstances which do not allow the private security personnel, businesses, or training schools to complete the required procedures within the prescribed time period. The private security services person, business, or training school shall be nonoperational during the period of extension. The following are the only circumstances for which extensions may be granted:

1. Illness,
2. Injury, or
3. Military service.

B. An application for extension shall:

1. Be submitted prior to the expiration date of the time limit required for completion of the requirements; and
2. Indicate the projected date the person, business, or training school will be able to comply with the requirements.

C. No extension will be approved for registrations, certifications, or business licenses which have expired.

D. Applications for additional extensions may be approved upon written request of the person, business, or training school.

PART III. IV.
LICENSING PROCEDURES AND REQUIREMENTS.

6 VAC 20-170-50. Initial licensing requirements for a private security services business.

Each person seeking a license as a private security services business shall file an application furnished by the department accompanied by a nonrefundable application fee of ~~\$600~~ \$518. Each principal of the business entity applying for a private security services business license must be listed on the application and is responsible for the firm's adherence to the Code of Virginia and this chapter. Each ~~person~~ principal listed on the application shall complete ~~a supplemental business license application and submit his~~

~~fingerprint cards—fingerprints~~ on one completed set of two fingerprint cards along with a ~~the applicable~~ nonrefundable fee of ~~\$41~~; however, a maximum of two sets of fingerprint cards may accompany the application at no additional cost. ~~Initial business~~ licenses shall be issued for a period not to exceed 12 months. All forms shall be completed in full compliance with the instructions provided by the department. Applicants shall meet or exceed the requirements of ~~6 VAC 20-170-60 through 6 VAC 20-170-480~~ licensure as set forth in this chapter prior to the issuance of a license.

6 VAC 20-170-55. Temporary business license.

The department may issue a letter of temporary licensure to businesses seeking licensure under § 9-183.3 of the Code of Virginia for not more than 120 days while awaiting the results of the state and national fingerprint search conducted on the principals and compliance agent of the business, provided the applicant has met the conditions and requirements set forth in this part.

6 VAC 20-170-60. Surety bond or insurance required.

Each person seeking a license applicant for licensure as a private security services business shall secure a surety bond in the amount of \$25,000, executed by a surety company authorized to do business in Virginia, or a certificate of insurance showing a policy of comprehensive general liability insurance with a minimum coverage of \$100,000 and \$300,000, issued by an insurance company authorized to do business in Virginia. Documentation of continuous and current coverage of the surety bond or comprehensive general liability insurance must be filed and maintained with the department.

6 VAC 20-170-75. Corporate authorization.

Each applicant for a license as a private security services business whose legal entity is a corporation or limited liability company shall, on a form provided by the department, provide the identification number issued by the Virginia State Corporation Commission for verification that the entity is authorized to conduct business in the Commonwealth.

6 VAC 20-170-76. Private security services business license number.

On or after July 1, 1997, all private security services businesses in the Commonwealth shall include their license number on all business advertising materials.

6 VAC 20-170-80. Compliance agent required; certification requirements; duties and responsibilities; restriction; retention and replacement.

A. Each firm applying for a license as a private security services business shall designate at least one individual as compliance agent who is not designated as compliance agent for any other licensee. To become a compliance agent, an individual shall file a properly completed application furnished by the department and conform to the following requirements and procedures:

1. Be a minimum of 18 years of age;
2. Have three years of managerial or supervisory experience in a private security services business, or in a

Final Regulations

federal, state, or local law-enforcement agency, or in a related field;

3. Successfully complete the applicable compliance agent training requirements pursuant to ~~6 VAC 20-170-540 M and 6 VAC 20-170-550 J Part VI~~ (6 VAC 20-170-360 *et seq.*) of this chapter and achieve a passing score on the compliance agent examination;

4. Be designated by a licensed private security services business as its compliance agent;

5. Be in good standing in every jurisdiction where licensed or registered in private security services; and

6. Submit his fingerprints on two completed fingerprint cards, as provided by the department, and a *the applicable* nonrefundable application fee of \$126.

B. The compliance agent shall at all times comply with the following:

1. Ensure that the licensed firm is in full compliance with the Code of Virginia and this chapter;

2. Ensure that VSP Form-167 has been submitted to the Virginia State Police for processing before the individual may begin work, and maintain a copy in the firm's files for each unarmed ~~guard~~ security officer as required by § 9-183.3 of the Code of Virginia;

3. Ensure the maintenance of documentary evidence that each unarmed security officer or electronic security technician's assistant has complied with, or been exempted from, the compulsory minimum training standards as required by § 9-183.3 of the Code of Virginia;

4. Ensure that the licensed firm does not utilize or otherwise employ any person as an unarmed security officer or electronic security technician's assistant in excess of 90 days prior to the completion of the applicable compulsory minimum training standards;

5. *Ensure that the licensed firm does not utilize or otherwise employ any person as an unarmed security officer for which the VSP Form-167 reveals a felony or misdemeanor conviction involving moral turpitude, sexual offense, drug offense, physical injury or property damage without written approval from the department;*

6. *Ensure that the licensed firm does not utilize or otherwise employ any person as an unarmed security officer in excess of [450 120] days without the individual being issued a certification as an unarmed security officer from the department;*

5. 7. Maintain training, employment, and payroll records which document the licensee's compliance with the Code of Virginia and this chapter;

6. 8. Ensure that an irrevocable consent for the department to serve as service agent for all actions filed in any court in this Commonwealth is submitted to the department within 30 days after the licensee moves to a location outside Virginia; and

9. *On a form provided by the department, submit a report of any incident in which any registrant has discharged a firearm while on duty, excluding any training exercise. This form shall be submitted by the licensed firm within 10 days of [completion of an investigation of] the incident.*

C. No individual shall be certified by the department as a compliance agent for more than one licensee at any given time.

D. 1. Each licensee shall maintain at least one individual as a compliance agent who has met the requirements of 6 VAC 20-170-80 and has been certified by the department.

2. Each licensee shall notify the department in writing within 10 calendar days of the termination of employment of a certified compliance agent.

3. Within 90 days of termination of the employment of a licensee's sole remaining compliance agent, the licensee shall submit the name of a new compliance agent who has met the requirements of 6 VAC 20-170-80.

6 VAC 20-170-90. Criminal history records search.

Upon application for a private security services business license, each compliance agent and principal of the applicant firm shall submit to the department their fingerprints on one completed set of two fingerprint cards ~~on forms~~ provided by the department, and a ~~\$44~~ *the applicable* nonrefundable fee for each set of fingerprint cards ~~beyond the allowable two sets provided with the initial business application.~~ The department shall submit those fingerprints to the Virginia State Police for the purpose of conducting a Virginia Criminal History Records search and a National Criminal Records search to determine whether the individual or individuals have a record of conviction.

6 VAC 20-170-100. Unclassifiable fingerprint cards.

Fingerprint cards found to be unclassifiable will be returned to the applicant. Action on the application will be suspended pending the resubmittal of classifiable fingerprint cards. The applicant ~~should~~ *shall* be so notified in writing and shall submit new fingerprint cards and a *the applicable* nonrefundable fee of ~~\$44~~ to the department before the processing of his application shall resume. However, no such fee may be required if the rejected fingerprint cards are included and attached to the new fingerprint cards when resubmitted.

6 VAC 20-170-150. Change of ownership or entity.

A. Each licensee shall report in writing to the department any change in its ownership or principals which does not result in the creation of a new legal entity. Such written report shall be received by the department within 30 days after the occurrence of such change and shall include the application form, fingerprint cards and a *the applicable* nonrefundable fee of ~~\$44~~ for each new individual.

B. A new license is required whenever there is any change in the ownership or manner of organization of the licensed entity which results in the creation of a new legal entity.

PART IV.
RENEWAL OF LICENSE.

6 VAC 20-170-200. Renewal notification; invalid license.

A. The department will mail to the last known address of the licensee a renewal notification. Failure of the licensee to renew prior to the expiration of the license shall be the sole responsibility of the licensed firm's compliance agent.

B. A private security services business license not renewed on or before the expiration date of the license shall become null and void. Operating a private security services business without a valid private security services business license is a violation of § 9-183.3 of the Code of Virginia and this chapter.

6 VAC 20-170-210. License expiration; renewal; reinstatement.

A. ~~All licenses issued to private security services businesses shall be valid for a period not to exceed 12 months. Applicants for license renewal shall have the option of renewing for either a period not to exceed 12 months or a period not to exceed 24 months.~~

B. Applications for license renewal should be received by the department at least 30 days prior to expiration. License renewal applications received by the department after the expiration date shall be subject to all applicable nonrefundable renewal fees plus reinstatement fees.

C. The department may renew the a license for a period ~~not to exceed 12 months from the expiration date of the license~~ when the following are received by the department:

1. A properly completed renewal application;
2. A *The applicable* nonrefundable license renewal fee of \$250; and
3. Documentation that the firm has in force a policy of comprehensive general liability insurance or a surety bond in at least the amount required by 6 VAC 20-170-60; documentation of continuous and current coverage of the surety bond or comprehensive general liability insurance must be filed and maintained with the department.

D. Each compliance agent listed on the license renewal application shall have satisfactorily completed all applicable training requirements.

E. Each principal or compliance agent listed on the license renewal application shall be in good standing and free of disciplinary action in every jurisdiction where licensed or registered.

F. A renewal application received by the department within 180 days following the expiration date of the license shall be accompanied by a *the applicable* nonrefundable renewal fee of \$250 and a *the* nonrefundable reinstatement fee of \$125.

G. No license shall be renewed or reinstated when the application and fee are received by the department more than 180 days following the expiration date of the license. After that date, the applicant shall meet all initial licensing requirements.

H. The department may deny renewal or reinstatement of a license for the same reason as it may refuse initial licensure or discipline a licensee.

6 VAC 20-170-220. ~~Extension of time period to renew a private security services business license. (Repealed.)~~

~~A. An extension of the time period to renew a private security services business license may be approved only under these specific circumstances which do not allow the private security services business to renew its license within the prescribed time period. The private security services business shall be nonoperational during the period of extension. The following are the only circumstances for which extensions may be granted:~~

- ~~1. Illness;~~
- ~~2. Injury, or~~
- ~~3. Military service.~~

~~B. An application for extension of the time period for renewal of a private security services business license shall:~~

- ~~1. Be submitted in writing prior to the expiration date of the private security services business license; and~~
- ~~2. Indicate the projected date the licensee will be able to comply with the requirements for private security services business license renewal.~~

~~C. An extension will not be approved for a private security services business license which has expired.~~

~~D. Applications for additional extensions may be approved upon written request of the principal of the private security services business.~~

PART V.
REGISTRATION PROCEDURES AND REQUIREMENTS.

6 VAC 20-170-230. Initial registration requirements.

A. Individuals seeking registration under § 9-183.3 B of the Code of Virginia shall file an application furnished by the department which shall be accompanied by a *the applicable* nonrefundable application fee of \$76. Each applicant shall meet or exceed the following requirements prior to the issuance of a registration:

1. Be at least 18 years of age;
2. Disclose to the department his physical address (a post office box is not a physical address);
3. Submit *his fingerprints* on two completed fingerprint cards ~~on forms~~ provided by the department; and
4. (i) Successfully complete all initial training requirements for each registration category requested; ~~or~~ (ii) during the period of July 1, 1995, through September 30, 1995, each individual applying for registration as an ~~electronic security technician, central station dispatcher, electronic security sales representative or personal protection specialist~~ may be granted a temporary waiver from the requirement of complying with the compulsory minimum training standards. ~~With the exception of the completion of the minimum training standards, all other~~

Final Regulations

~~initial registration requirements shall apply. Individuals issued temporary registrations in accordance with this provision shall complete the compulsory minimum training standards on or before October 31, 1995. Individuals seeking registration as alarm respondents are not eligible under this provision.~~

~~B. Individuals seeking registration under the provisions of § 9-183.3 I of the Code of Virginia, effective for a period of one year from July 1, 1995, shall file an application furnished by the department which shall be accompanied by a nonrefundable application fee of \$76. Each applicant shall meet or exceed the following requirements prior to the issuance of a registration:~~

- ~~1. Be at least 18 years of age;~~
- ~~2. Disclose to the department his physical address (a post-office box is not a physical address);~~
- ~~3. Submit his fingerprints on two completed fingerprint cards provided by the department; and~~
- ~~4. Provide documentary evidence of full-time active employment as required for each category in which registration is requested:
 - ~~a. Electronic security technician — employment for a period of three years immediately preceding the date of application;~~
 - ~~b. Central station dispatcher — employment for a period of one year immediately preceding the date of application;~~
 - ~~c. Electronic security sales representative — employment for a period of one year immediately preceding the date of application;~~
 - ~~d. Alarm respondent — employment for a period of one year immediately preceding the date of application.~~~~

~~C. Individuals seeking registration under the provisions of § 9-183.3 J of the Code of Virginia, effective for a period of one year from July 1, 1995, shall file an application furnished by the department which shall be accompanied by a nonrefundable application fee of \$76. Each applicant shall meet or exceed the following requirements prior to the issuance of a registration:~~

- ~~1. Be at least 18 years of age;~~
- ~~2. Disclose to the department his physical address (a post-office box is not a physical address);~~
- ~~3. Submit his fingerprints on two completed fingerprint cards provided by the department;~~
- ~~4. Provide documentary evidence of employment as a personal protection specialist for a period of the three years immediately preceding the date of application; and~~
- ~~5. Provide documentary evidence of successful completion of personal protection training approved by the department.~~

~~B. Individuals seeking registration as alarm respondent, central station dispatcher, electronic security sales representative or electronic security technician may be~~

~~employed for not more than 90 days while completing the compulsory minimum training standards, provided the individual has submitted his fingerprints on forms provided by the department. An application for registration must be received by the department within 10 calendar days of the completion of the required training.~~

6 VAC 20-170-240. Additional categories and certifications.

~~Registered individuals seeking additional registration categories or certifications shall file an application, furnished by the department, documenting that the following training requirements for the requested categories or certifications have been met: Individuals seeking certification or registration for additional categories must meet the following requirements:~~

- ~~1. The nonrefundable fee for each filing is \$25. Successful completion of applicable entry level training for each additional registration or certification category;~~
- ~~2. A properly completed application has been received by the department;~~
- ~~3. The applicable nonrefundable fee has been received by the department;~~
- ~~2. 4. Individuals may avoid paying a separate fee for additional categories or certifications when the additional registration categories or certifications are requested on the application for registration renewal.~~

6 VAC 20-170-250. Criminal history records search.

Upon receipt of an initial registration application, the department shall submit the fingerprints of the applicant to the Virginia State Police for the purpose of conducting a Virginia Criminal History Records search and a National Criminal Records search to determine whether the applicant has a record of conviction. Applicants submitting unclassifiable fingerprint cards shall be required to submit his fingerprints on new fingerprint cards along with a *the applicable* nonrefundable fee of \$44. However, no such fee shall be required if the rejected fingerprint cards are included and attached to the new fingerprint cards when resubmitted. In the case of registration renewal application for armored car personnel only, a Virginia Criminal History Records search and a national criminal records search to determine whether the applicant has a record of conviction shall be conducted.

6 VAC 20-170-260. Temporary registration.

The department may issue a letter of temporary registration to individuals seeking registration under § 9-183.3 of the Code of Virginia for not more than 120 days while awaiting the results of the *state and* national fingerprint search, provided the applicant has met the conditions and requirements set forth in 6 VAC 20-170-230 through 6 VAC 20-170-270 and the Virginia Criminal Records search proved negative *Part IV (6 VAC 20-170-50 et seq.) of this chapter.*

6 VAC 20-170-270. Duties and responsibilities of registrant.

The registrant must at all times comply with the following:

1. Carry a valid registration at all times while on duty; *Individuals requiring registration as alarm respondent, central station dispatcher, electronic security sales representative or electronic security technician may be employed for not more than 90 days while completing the compulsory minimum training standards, provided the individual has submitted his fingerprints on forms provided by the department. An application for registration must be received by the department within 10 calendar days of the completion of the required training.*

2. Perform those duties authorized by his registration only while employed by a licensed private security services business and only for the clients of the licensee. This shall not be construed to prohibit an individual who is registered as an armed security officer from being employed by a nonlicensee as provided for in § 9-183.2 of the Code of Virginia;

3. Carry or have immediate access to firearms while on duty only while possessing a valid firearms certification;

4. Carry a firearm concealed while on duty only with the expressed authorization of the licensed private security services business employing the registrant and only in compliance with § 18.2-308 of the Code of Virginia;

5. Transport, carry and utilize firearms while on duty only in a manner which does not endanger the public health, safety and welfare;

6. *Report to employer any incident in which the registrant has discharged a firearm while on duty, excluding any training exercise.*

6. 7. If authorized to make arrests, make arrests in full compliance with the law and using only the minimum force necessary to effect an arrest;

7. 8. Engage in no conduct which through word, deed or appearance suggests that a registrant is a law-enforcement officer or other government official;

8. 9. Display one's registration while on duty in response to the request of a law-enforcement officer, department personnel or client; [*This shall not apply to armored car personnel or personal protection specialists.*]

9. 10. Never perform any unlawful or negligent act resulting in a loss, injury or death to any person;

40. 11. Private security personnel are not required to wear a uniform while on duty; however, if wearing the military style or law-enforcement style uniform of a private security licensee while on duty, that uniform must have:

a. At least one insignia clearly identifying the name of the licensed firm employing the individual and, except armored car personnel, a name plate or tape bearing, as a minimum, the individual's last name and first and middle initials attached on the outermost garment, except rainwear worn only to protect from inclement weather; and

b. No patch or other writing (i) containing the word "police" or any other words suggesting a law-enforcement officer; (ii) containing the word "officer" unless used in conjunction with the words "security"; or (iii) resembling any uniform patch or insignia of any duly constituted law-enforcement agency of this Commonwealth, its political subdivisions or of the federal government. This restriction shall not apply to individuals who are also duly sworn special police officers, to the extent that they may display words which accurately represent that distinction;

44. 12. Utilize a vehicle with flashing lights in the conduct of a private security services business only as provided in § 46.2-1025 of the Code of Virginia and this chapter;

42. 13. Never use or display the state seal of Virginia as a part of any logo, stationery, business card, badge, patch, insignia or other form of identification or advertisement;

43. 14. Never display the uniform, badge or other insignia while not on duty;

44. 15. ~~During the course of any private investigation, Never provide information obtained by any licensed firm and its employees to any person other than the client who employed secured the services of the licensee to obtain that information, without the client's prior written consent. Provision of information in response to official requests from law-enforcement agencies, or from the department, shall not constitute a violation of this chapter. Provision of information to law-enforcement agencies pertinent to criminal activity or to planned criminal activity shall not constitute a violation of this chapter;~~

45. 16. Inform the department *and compliance agent of employer* in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty of any felony or of a misdemeanor involving moral turpitude, sexual offense, drug offense, physical injury or property damage;

46. 17. Inform the department *and compliance agent of employer* in writing within 30 days after having been found guilty by any court or administrative body of competent jurisdiction to have violated the private security services business statutes or regulations of that jurisdiction, there being no appeal therefrom or the time for appeal having elapsed;

47. 18. Acting as a registrant only in such a manner as to not endanger the public health, safety and welfare;

48. 19. Engage in no unethical, fraudulent, or dishonest conduct;

49. 20. Never represent as one's own a registration issued to another individual, or represent oneself as certified compliance agent of a licensee, training school, school director or instructor unless so certified by the department;

20. 21. Never falsify, or aid and abet others in falsifying, training records for the purpose of obtaining a license,

Final Regulations

registration, ~~unarmed security officer training~~ certification, or certification as a compliance agent, training school, school director or instructor.

6 VAC 20-170-280. Replacement photo identification.

Registered individuals seeking a replacement photo identification shall submit to the department:

1. A properly completed application; and
2. A *The applicable* nonrefundable processing fee of \$15.

6 VAC 20-170-340. Registration expiration, renewal, reinstatement; ~~extension of time period to review.~~

A. The department will mail a renewal notification to the last known address of the registrant. Failure of the registrant to renew prior to the expiration date of the registration shall be the sole responsibility of the individual registrant.

B. A private security services registration not renewed on or before the expiration date of the registration shall become null and void. Performing private security services duties without a valid private security services registration is a violation of the Code of Virginia.

- C. 1. All registrations issued on or after July 1, 1993, shall be valid for a period not to exceed 12 months.
2. All registrations issued prior to July 1, 1993, shall expire on the expiration date of the registration.

D. 1. Applications for registration renewal should be received by the department at least 30 days prior to expiration. A registration renewal application received by the department after the expiration date shall be subject to all applicable nonrefundable renewal fees plus nonrefundable reinstatement fees.

2. The department may renew the registration for a period not to exceed 12 months from the expiration date of the expiring registration when each applicant meets or exceeds the following requirements:

- a. ~~Submit~~ A properly completed renewal application ~~to~~ *is received by* the department;
- b. Successfully complete the applicable training or retraining requirements for each registration category and each training certification requested; and
- c. A *The applicable* nonrefundable registration renewal fee of \$35 is received by the department.

E. 1. Registration renewal applications received within 180 days following the expiration date shall be accompanied by a *the applicable* nonrefundable renewal fee of \$35 and a *the applicable* nonrefundable reinstatement fee of \$17.50.

2. No registration shall be renewed or reinstated when the application for renewal and fee are received by the department after 180 days following the expiration date of the registration. After that date, the applicant shall meet then current initial registration requirements.

3. The date on which the application and fee are received by the department shall determine whether the registrant is eligible for renewal or reinstatement or is required to apply for initial registration.

4. The department may deny renewal or reinstatement of a registration for the same reason as it may refuse *deny* initial registration or discipline a registrant.

~~F. 1. An extension of the time period to renew a private security services registration may be approved only under these specific circumstances which do not allow the individual to renew his registration within the prescribed time period. The individual shall not perform private security functions during the period of extension. The following are the only circumstances for which extensions may be granted:~~

- a. ~~Illness;~~
- b. ~~Injury, or~~
- c. ~~Military service.~~

~~2. An application for extension of the time period for renewal of a private security services registration shall:~~

- a. ~~Be submitted in writing prior to the expiration date of the private security services registration; and~~
- b. ~~Indicate the projected date the registrant will be able to comply with the requirements for private security services registration renewal.~~

~~3. An extension will not be approved for a private security services registration which has expired.~~

~~4. Applications for additional extensions may be approved upon written request of the registrant.~~

6 VAC 20-170-350. Firearms certification, expiration, renewal.

A. *Firearms certification is required for all registrants who carry or have immediate access to a firearm while on duty.*

A. B. An individual who has successfully completed the handgun training requirements may submit a properly completed application for registration with handgun certification.

1. Handgun certification will be documented on the registration and shall expire on the expiration date of the registration.

2. The department may grant a handgun certification upon receipt of the following:

- a. Upon receipt of a properly completed application; and
- b. Satisfactory completion of the applicable handgun training requirements.

B. C. An individual who has successfully met the handgun training requirements, and has successfully completed the shotgun training requirement, may submit a properly completed application for registration with shotgun certification.

1. Shotgun certification will be documented on the registration and shall expire on the expiration date of the registration.

2. The department may grant a shotgun certification upon receipt of the following:

- a. Upon receipt of a properly completed application; and
- b. Satisfactory completion of the applicable shotgun training requirements.

~~C. D.~~ All handgun and shotgun certifications shall be issued for a period not to exceed 12 months and shall become null and void on the expiration date of the registration. "Firearms endorsements" issued prior to July 1, 1993, shall become null and void on the expiration date of the endorsement.

~~D. E.~~ The department may renew handgun and shotgun certifications for a period not to exceed 12 months from the expiration date of the registration:

1. Upon receipt of a properly completed registration renewal application;
2. Satisfactory completion of all applicable entry level training, firearms retraining and applicable in-service training requirements for all registration categories; and
3. A *The applicable* nonrefundable renewal fee of \$35 is received by the department. (~~One \$35 The applicable~~ fee for registration renewal includes firearms certifications if all requirements have been met.)

~~E. F.~~ The department may deny renewal of a firearms certification for the same reason as it may ~~refuse~~ deny initial firearms certification or discipline a registrant.

PART VI.

CERTIFICATION PROCEDURES AND REQUIREMENTS.

6 VAC 20-170-360. Initial unarmed security officer training certification requirements.

A. Each person employed or utilized as an unarmed security officer shall successfully complete the compulsory minimum training standards for unarmed security officers and make application to the department for the issuance of an unarmed security officer certification, except that such persons may be employed for not more than 90 days while completing the compulsory minimum training standards. *For unarmed security officers employed by a licensed private security services business, the department must receive an application for certification within [120 days of employment 10 calendar days of completion of required training].*

B. Individuals seeking unarmed security officer certification shall file an application provided by the department which shall be accompanied by a *the applicable* nonrefundable processing fee of \$15. Each applicant shall meet or exceed the following requirements prior to issuance of an unarmed security officer certification:

1. Be at least 18 years of age;
2. Disclose to the department a physical address (a post office box is not a physical address); and

3. Successfully complete the initial unarmed security officer training requirement and, if appropriate, in-service training requirements for unarmed security officers; and.

~~4. Have the compliance agent of his employer attest that documentary evidence exists that an investigation to determine suitability of the applicant has been conducted and reviewed as required by the Code of Virginia.~~

C. Each person employed or utilized as an unarmed security officer on or after July 13, 1994, shall comply with the unarmed security officer *training* certification requirements.

6 VAC 20-170-370. Initial electronic security technician's assistant certification requirements.

A. No person shall be employed or utilized as an electronic security technician's assistant until he has submitted a fingerprint processing application and his fingerprints on two cards provided by the department.

B. Each person employed or utilized as an electronic security technician's assistant shall successfully complete the compulsory minimum training standards for electronic security technician's assistants and make application to the department for the issuance of an electronic security technician's assistant certification, except that such persons may be employed for not more than 90 days while completing the compulsory minimum training standards.

C. Individuals seeking certification as an electronic security technician's assistant shall file an application provided by the department which shall be accompanied by a *the applicable* nonrefundable processing fee of \$56. Each applicant shall meet or exceed the following requirements prior to the issuance of an electronic security technician's assistant certification:

1. Be at least 18 years of age;
2. Disclose to the department his physical address (a post office box is not a physical address);
3. Submit his fingerprints on two completed fingerprint cards provided by the department; and
4. Successfully complete the initial electronic security technician's assistant training requirement.

6 VAC 20-170-380. Initial electronic security employee certification requirements.

A. No person shall be employed or utilized as an electronic security employee until he has submitted the following to the department:

1. A fingerprint processing application with his fingerprints on two fingerprint cards provided by the department; and
2. A certification application indicating the applicant has met or exceeded these requirements:
 - a. Be at least 18 years of age;
 - b. Disclose to the department his physical address (a post office box is not a physical address); and

Final Regulations

c. A *The applicable nonrefundable application fee of \$56.*

B. Each person must receive a temporary authorization letter from the department before being employed or utilized as an electronic security employee.

6 VAC 20-170-390. Criminal history records search.

~~A. Upon hiring a person to be employed as an unarmed security officer, the compliance agent of the business shall submit on the first day of employment, VSP Form 167 signed by the applicant to the Virginia State Police for the purpose of conducting a Virginia Criminal History Records search to determine whether the applicant has a record of conviction. An individual may not be employed for more than 30 days without documentation of the completion of the Virginia Criminal History Records search.~~

B. Upon receipt of an initial application for certification as electronic security technician's assistant or electronic security employee, the department shall submit the fingerprints of the applicant to the Virginia State Police for the purpose of conducting a Virginia Criminal History Records search and a National Criminal Records search to determine whether the applicant has a record of conviction. Applicants submitting unclassifiable fingerprint cards shall be required to submit his fingerprints on new fingerprint cards along with a *the applicable nonrefundable fee of \$44.* However, no such fee shall be required if the rejected fingerprint cards are included and attached to the new fingerprint cards when resubmitted.

6 VAC 20-170-400. Duties and responsibilities of certified unarmed security officers, electronic security technician's assistants, and electronic security employees.

The unarmed security officer, electronic security technician's assistant and electronic security employee must at all times comply with the following:

1. Carry a valid certification card at all times while on duty except under the provisions of § 9-183 D or § 9-183 F of the Code of Virginia;
2. Perform those duties authorized by this chapter only while employed by a licensed private security services business and only for the clients of the licensee. This shall not be construed to prohibit an individual who is employed as an unarmed security officer from being employed by a nonlicensee as provided for in § 9-183.2 of the Code of Virginia;
3. Never carry or have immediate access to firearms while on duty;
4. Engage in no conduct which through word, deed or appearance *falsely* suggests that an unarmed security officer, *electronic security technician's assistant or electronic security employee* is a law-enforcement officer or other government official;
5. Display one's certification while on duty in response to the request of a law-enforcement officer, department personnel or client;

6. Never perform any unlawful or negligent act resulting in a loss, injury or death to any person;

7. Private security personnel are not required to wear a uniform while on duty; however, if wearing the law-enforcement style or military style uniform of a private security licensee while on duty, that uniform must have:

a. At least one insignia clearly identifying the name of the licensed firm employing the individual and a name plate or tape bearing, as a minimum, the individual's last name and first and middle initials attached on the outermost garment, except rainwear worn only to protect from inclement weather; and

b. No patch or other writing (i) containing the word "police" or any other words suggesting a law-enforcement officer; (ii) containing the word "officer" unless used in conjunction with the word "security"; or (iii) resembling any uniform patch or insignia of any duly constituted law-enforcement agency of this Commonwealth, its political subdivisions or of the federal government. This restriction shall not apply to individuals who are also duly sworn special police officers, to the extent that they may display words which accurately represent that distinction;

8. Utilize a vehicle with flashing lights in the conduct of a private security services business only as provided in § 46.2-1025 of the Code of Virginia;

9. Never use or display the state seal of Virginia as a part of any logo, stationery, business card, badge, patch, insignia or other form of identification or advertisement;

10. Never display the uniform, badge or other insignia while not on duty;

11. Inform the department in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty of any felony or of a misdemeanor involving moral turpitude, sexual offense, drug offense, physical injury or property damage;

12. Inform the department in writing within 30 days after having been found guilty by any court or administrative body of competent jurisdiction to have violated the private security services business statutes or regulations of that jurisdiction, there being no appeal therefrom or the time for appeal having elapsed;

13. Acting as an unarmed security officer, *electronic security technician's assistant or electronic security employee* only in such a manner as to not endanger the public health, safety and welfare;

14. Engage in no unethical, fraudulent, or dishonest conduct;

15. Never represent as one's own certification issued to another individual, or representing oneself as a certified compliance agent of a licensee, school director or instructor unless certified as such by this department;

16. Never falsify, or aid and abet others in falsifying, training records for the purpose of obtaining a license, registration, ~~unarmed security officer training~~

certification, or certification as a compliance agent, training school, school director or instructor.

6 VAC 20-170-430. Replacement photo identification.

Unarmed security officers, electronic security technician's assistants or electronic security employees seeking a replacement photo identification shall submit to the department:

1. A properly completed application; and
2. *A The applicable nonrefundable processing fee of \$15.*

6 VAC 20-170-460. Certification expiration, renewal, reinstatement.

A. The department will mail a renewal notification to the last known address of the individual. Failure of the individual to renew prior to the expiration date of the certification shall be the sole responsibility of the individual.

~~B. A certification not renewed on or before the expiration date of the certificate certification shall become null and void. Performing private security services duties beyond the initial 90 days of employment without a valid certification is a violation of the Code of Virginia and this chapter.~~

C. A certification shall be valid for a period not to exceed 24 months from the date of issue. All such certifications shall expire on the expiration date of the certification.

D. 1. An application for certification renewal ~~must should~~ be received by the department at least 30 days prior to expiration. Certification applications received by the department after the expiration date shall be subject to all applicable nonrefundable renewal fees plus reinstatement fees.

2. The department may renew a certification for a period not to exceed 24 months from the expiration date of the certification:

- a. Upon receipt of a properly completed renewal application;
- b. Satisfactory completion of the in-service training requirements; and
- c. *A The applicable nonrefundable renewal fee of \$15 is received by the department.*

E. 1. Renewal applications received within 180 days following the expiration date shall be accompanied by a *the applicable nonrefundable renewal fee of \$15 and a the applicable nonrefundable reinstatement fee of \$7.50.*

2. No certification shall be renewed or reinstated when the application for renewal and fee are received by the department after 180 days following the expiration date of the certification. After that date, the applicant shall meet then current initial certification requirements.

3. The date on which the application and fee are received by the department shall determine whether the individual is eligible for renewal or reinstatement or is required to apply for initial certification.

4. The department may deny renewal or reinstatement of a certification for the same reason as it may refuse the initial certification or discipline an unarmed security officer.

PART VII.

COMPULSORY MINIMUM TRAINING STANDARDS FOR PRIVATE SECURITY SERVICES BUSINESS PERSONNEL.

Article 1.

Registration/Certification Category Requirements.

6 VAC 20-170-470. Entry level training.

Each person employed by a private security services business or applying to the department for registration as an armed security officer/courier, personal protection specialist, armored car personnel, guard dog handler, private investigator, alarm respondent, central station dispatcher, electronic security sales representative, or electronic security technician as defined by § 9-183.1 of the Code of Virginia, or applying to the department for training certification as an unarmed security officer or certification as an electronic security technician's assistant as required by § 9-183.3 of the Code of Virginia, or for certification as a compliance agent as required by § 9-183.3 of the Code of Virginia, who has not met the compulsory minimum training standards prior to July 13, 1994, must meet the compulsory minimum training standards herein established, unless provided for otherwise in accordance with ~~6 VAC 20-170-480 and 6 VAC 20-170-490 of this chapter~~ 6 VAC 20-170-475.

6 VAC 20-170-475. In-service training.

A. *Each person registered with the department as an armed security officer/courier, personal protection specialist, armored car personnel, guard dog handler, private investigator, alarm respondent, central station dispatcher, electronic security sales representative, electronic security technician, or applying to the department for certification as an unarmed security officer or electronic security technician's assistant, or certified by the department to act as a compliance agent, shall complete the compulsory in-service training standard once during each 24-month period of registration or certification as determined by the department.*

B. Compliance agent.

1. *Individuals who completed entry level training after July 1, 1993, must complete in-service training within each 24-month period following the initial entry level training date.*

2. *Individuals who were certified as compliance agents prior to July 1, 1993, must complete compliance agent in-service training within each 24-month period following the original in-service training date.*

3. *In-service training must be completed within 12 months prior to the established training due date.*

4. *Individuals who fail to complete in-service training prior to the established training due date may complete in-service training within 90 days after the established training due date if a completed in-service training enrollment application and a \$25 delinquent training fee is received by the department.*

Final Regulations

C. Instructor.

1. All private security instructors initially certified prior to December 31, 1994, must complete instructor in-service training prior to his certification expiration in the year 1997 and thereafter within each 36-month period of certification.

2. All private security instructors initially certified after January 1, 1995, but before December 31, 1996, must complete instructor in-service training prior to his certification expiration in the year 2000 and thereafter within each 36-month period of certification.

3. All private security instructors initially certified on or after January 1, 1997, must complete instructor in-service training within each 36-month period following certification.

6 VAC 20-170-480. Exemptions.

A. Persons who meet the statutory requirements as set forth in § 9-182 of the Code of Virginia may apply for a partial exemption from the compulsory training standards. Individuals requesting such partial exemption shall file an application furnished by the department and include the applicable nonrefundable application fee of \$25. The department may issue such partial exemption on the basis of individual qualifications as supported by required documentation. Those applying for and receiving exemptions must comply with all regulations promulgated by the board. Each person receiving a partial exemption must apply to the department for registration within 12 months from the date of issuance, otherwise the partial exemption shall become null and void. The following are the requirements for qualification for a partial exemption from the compulsory training standards:

1. Entry level training.

4. a. Persons having previous employment previously employed as law-enforcement officers who have not terminated or been terminated from said employment more than five years prior to the application date must submit official documentation of the following with the application for partial exemption:

a. (1) Completion of law-enforcement entry level training, and

b. (2) Five continuous years of law-enforcement employment provided such employment as a law-enforcement officer was not terminated due to misconduct or incompetence.

2. b. Persons having previous training or employment in any of the classifications defined in § 9-183.1 of the Code of Virginia must submit official documentation of the following with the application for partial exemption:

a. (1) Completion of previous private security training, which has been approved by the department and which meets or exceeds the compulsory minimum training standards promulgated by the board, or

b. (2) Five years continuous employment in the category for which partial exemption is sought, provided such employment was not terminated due to misconduct or incompetence.

2. In-service training. Persons who have completed training which meets or exceeds the compulsory minimum training standards promulgated by the board for the in-service training required for the individuals particular category may be authorized credit for such training, provided the training has been completed within 24 months of the expiration date of the registration period during which in-service training is required. Official documentation of the following must accompany the application for partial in-service training credit:

a. Job-related training sessions which meet or exceed Department of Criminal Justice Services standards and are offered by institutions, associations, or private firms may be approved for partial in-service training credit.

b. Applications for partial in-service training credit shall include information relating to the sponsoring organization and a copy of the training schedule. The schedule shall contain the dates, times, subject matter and instructor for each session.

3. Prior firearms credit. Persons having previous department-approved firearms training may be authorized credit for such training which meets or exceeds the compulsory minimum training standards for private security services business personnel, provided such training has been completed within the 12 months preceding the date of application. Official documentation of completion of department approved firearms training and qualification at a Virginia criminal justice agency, academy or correctional department must accompany the application for partial in-service training credit.

6 VAC 20-170-490. Firearms training. (Repealed.)

~~Firearms certification is required for all private security services business personnel prior to carrying or having immediate access to a firearm in the performance of duty.~~

6 VAC 20-170-500. In-service training. (Repealed.)

~~Each person registered with the department as an armed security officer/courier, personal protection specialist, armored car personnel, guard dog handler, private investigator, alarm respondent, central station dispatcher, electronic security sales representative, electronic security technician, or applying to the department for certification as an unarmed security officer or electronic security technician's assistant, or certified by the department to act as a compliance agent, shall complete the compulsory in-service training standard once during each 24 month period of registration or certification as determined by the department. Compliance agent in-service training is required within 24 months of entry level training, or the last completed in-service training.~~

~~VAC 20-170-510. Instructor recertification. (Repealed.)~~

~~Each person certified as an instructor shall complete recertification training within each 36 month period of initial certification date.~~

6 VAC 20-170-520. Compulsory minimum entry level training by category.

Total hours do not include time for examinations, practical exercises and range qualification. Refer to 6 VAC 20-170-540 for the minimum training requirements for each category.

- Unarmed security officer - 16 hours
- Armed security officer/courier - 24 hours
- Armored car personnel - 20 hours
- Guard dog handler - 28 hours
- Private investigator - 60 hours
- Personal protection specialist - 68 hours
- ~~Unarmed Alarm respondent - 16 hours~~
- ~~Armed alarm respondent - 24 hours~~
- Central station dispatcher - 8 hours
- Electronic security sales representative - 8 hours
- Electronic security technician - 14 hours
- Electronic security technician's assistant - 4 hours
- Compliance agent - 6 hours

6 VAC 20-170-530. Compulsory minimum in-service training by category.

Total hours do not include time for examinations. Refer to 6 VAC 20-170-550 for the minimum in-service training requirements for each category.

- Unarmed security officer - 4 hours
- Armed security officer/courier - 4 hours
- Armored car personnel - 4 hours
- Guard dog handler - 8 hours
- Private investigator - 8 hours
- Personal protection specialist - 16 hours
- ~~Unarmed Alarm respondent - 4 hours~~
- ~~Armed alarm respondent - 4 hours~~
- Central station dispatcher - 4 hours
- Electronic security sales representative - 4 hours
- Electronic security technician - 6 4 hours
- Electronic security technician's assistant - 2 hours
- Compliance agent - 4 hours
- Instructor - 8 hours*

6 VAC 20-170-540. Minimum entry level training requirements.

A. *Core subjects.* The entry level curriculum for unarmed security officer, armed security officer/courier, guard dog handler, ~~unarmed alarm respondent and armed and~~ alarm respondent sets forth the following areas identified as:

Core subjects	Hours
Administration and security orientation/regulations	- 2 hours
Legal authority and arrest authority and procedures	- 6 hours
Emergency and defensive procedures	- 8 hours
Written examination	
Total hours (excluding exam)	- 16 hours

B. *Armed security officer/courier.*

~~In addition to the successful completion of the core subjects curriculum (6 VAC 20-170-540 A), each armed security officer/courier must also comply with firearms training requirements. (Firearms certification is required for all private security services business personnel prior to carrying or having immediate access to a firearm in the performance of duty.)~~

- ~~1. Handgun classroom training (refer to 6 VAC 20-170-850) - 8 hours~~
- ~~2. Shotgun classroom instruction, if applicable (refer to 6 VAC 20-170-860) - 2 hours~~
- ~~3. Written firearms examination~~
- ~~4. Range qualification. No minimum hours required (refer to 6 VAC 20-170-860). Each person who carries or has immediate access to firearms in the performance of duty shall qualify with each type and caliber of firearm to which he has access.~~

1. *Core subjects - 16 hours*
 2. *Entry level handgun training (refer to Article 2 (6 VAC 20-170-615 et seq.) of this part) - 8 hours*
 3. *Entry level shotgun training, if applicable (refer to Article 2 (6 VAC 20-170-615 et seq.) of this part) - 1 hour*
- Total hours (excluding examination, shotgun) classroom instruction and range qualification) - 24 hours

C. *Armored car personnel.*

1. Armored car orientation/state regulations - 3 hours
 2. Armored car procedures - 9 hours
 3. Written examination
 4. ~~Entry-level firearms training (6 VAC 20-170-540 B) (refer to Article 2 (6 VAC 20-170-615 et seq.) of this part) - 8 hours~~
- Total hours (excluding examinations and range qualification) - 20 hours

Final Regulations

D. Guard dog handler.

1. Prerequisites for guard dog handler entry level (official documentation required):

- a. Successful completion of the core subjects curriculum (~~6 VAC 20-170-540 subsection A of this section~~) - 16 hours
- b. Successful completion of basic obedience training

2. Following successful completion of the above prerequisites, each guard dog handler must also comply with the following requirements:

- a. Demonstration of proficiency. The student must demonstrate his proficiency in the handling of a security canine to satisfy the minimum standards - 2 hours

Evaluation by a certified private security guard dog handler instructor *and* Basic obedience retraining

- b. Guard dog handler orientation/legal authority - 4 hours
- c. Canine patrol techniques - 6 hours
- d. Written examination

Total hours (excluding examinations) - 28 hours

E. Private investigator.

1. Investigator orientation/regulations - 8 hours
2. Collecting and reporting information - 6 hours
3. General investigative techniques - 20 hours
4. Interviewing techniques - 8 hours
5. Criminal law, procedure and rules of evidence - 8 hours
6. Civil law, procedure and rules of evidence - 10 hours
7. ~~Written comprehensive examination Three practical field exercises~~
8. ~~Three practical field exercises Written comprehensive examination~~

Total hours in classroom (excluding written examination and practical exercises) - 60 hours

F. Personal protection specialist. ~~Each personal protection specialist student must also comply with the following requirements:~~

1. Personal protection orientation - 4 hours
2. Assessment of threat and protectee vulnerability - 8 hours
3. Legal authority and issues - 16 hours
4. Protective detail operations - 28 hours
5. Emergency procedures - 12 hours
 - a. CPR - 8 hours

b. Emergency first aid

c. Defensive preparedness

d. Emergency relocation

6. Performance evaluation - Five practical exercises

7. Written examination

Total hours (excluding written examination and performance evaluation) - 68 hours

G. ~~Unarmed Alarm respondent. Each unarmed alarm respondent student must successfully complete the core subjects curriculum (6 VAC 20-170-540 A)~~

~~Core subjects (refer to subsection A of this section) - 16 hours~~

~~H. Armed alarm respondent. In addition to the successful completion of the core subjects curriculum (6 VAC 20-170-540 A), each armed alarm respondent must also comply with firearms training requirements. Firearms certification is required for all private security services business personnel prior to carrying or having immediate access to a firearm in the performance of duty.~~

~~1. Handgun classroom instruction (refer to 6 VAC 20-170-850 B) - 8 hours~~

~~2. Shotgun classroom instruction (if applicable) (refer to 6 VAC 20-170-860 C) - 1 hour~~

~~3. Written firearms examination~~

~~4. Range qualification. No minimum hours required. Each person who carries or has immediate access to firearms in the performance of duty shall qualify with each type and caliber of firearm to which he has access.~~

~~Total hours (excluding examination, shotgun classroom instruction, and qualification on the range) - 24 hours~~

~~I. H. Electronic security subjects. The entry level electronic security subjects curriculum for central station dispatcher, electronic security sales representative, electronic security technician and electronic security technician's assistant sets forth the following areas identified as:~~

~~1. Orientation~~

~~2. Code of Virginia~~

~~3. Regulations Relating to Private Security Services~~

~~4. Introduction to electronic security~~

~~5. Written examination~~

~~Total hours (excluding examination) - 4 hours~~

J. I. Central station dispatcher.

1. Electronic security subjects (refer to ~~6 VAC 20-170-540 J subsection H of this section~~) - 4 hours

2. Central station dispatcher subjects - 4 hours

a. Duties and responsibilities

b. Communications skills

- c. Emergency procedures
- d. False alarm prevention

3. Written examination

Total hours (excluding examination) - 8 hours

~~K. J. Electronic security sales representative.~~

~~1. Electronic security subjects (refer to 6 VAC 20-170-540-J subsection H of this section) - 4 hours~~

~~2. Electronic security sales representative subjects - 4 hours~~

- ~~a. Duties and responsibilities~~
- ~~b. System design/components~~
- ~~c. False alarm prevention~~

~~3. Written examination~~

~~Total hours (excluding examination) - 8 hours~~

~~L. K. Electronic security technician. Each electronic security technician student must also comply with the following requirements:~~

~~1. Electronic security subjects (refer to 6 VAC 20-170-540-J subsection H of this section) - 4 hours~~

~~2. Electronic security technician subjects - 10 hours~~

- ~~a. Duties and responsibilities~~
- ~~b. Electronics~~
- ~~c. Control panels~~
- ~~d. Protection devices and application~~
- ~~e. Test equipment~~
- ~~f. Power and grounding~~
- ~~g. National electrical code~~
- ~~h. Job safety~~

~~i. False alarm management prevention~~

~~3. Written examination~~

~~Total hours (excluding examination) - 14 hours~~

~~M. L. Compliance agent.~~

~~1. Industry overview and responsibilities: regulations review, business practices, ethical standards, records requirements and other related issues - 6 hours~~

~~2. Written examination~~

~~Total hours (excluding written examination) - 6 hours~~

~~N. Firearms training. Firearms certification is required for all private security services business personnel prior to carrying or having immediate access to a firearm in the performance of duty. Firearms training must be completed within 12 months immediately preceding submission of an application. Firearms training completed longer than 12 months prior to application shall not be valid.~~

~~1. Handgun classroom training (refer to 6 VAC 20-170-850) - 8 hours~~

~~2. Shotgun classroom instruction, if applicable (refer to 6 VAC 20-170-860) - 1 hour~~

~~3. Written firearms examination (refer to 6 VAC 20-170-860).~~

~~4. Range qualification. No minimum hours required. Each person who carries or has immediate access to firearms in the performance of duty shall qualify with each type and caliber of firearm to which he has access.~~

~~Total hours do not include examination shotgun classroom instruction or range qualification - 8 hours~~

~~O. Personal protection specialist advanced firearms training. In addition to the successful completion of the personal protection specialist entry level curriculum (6 VAC 20-170-540 F), each armed personal protection specialist student must also comply with the personal protection specialist advanced handgun training - 24 hours.~~

- ~~1. Weapon selection and nomenclature~~
- ~~2. Safety and functioning~~
- ~~3. Fundamentals of marksmanship~~
- ~~4. Decision making for the personal protection specialist~~
- ~~5. Firearms skill development~~
- ~~6. Virginia private security course of fire for handguns~~
- ~~7. Personal protection specialist advanced firearms course of fire for handguns~~
- ~~8. Written examination. Each private security employee who carries or has immediate access to firearms in the performance of duty shall qualify with each type and caliber of firearm to which he has access.~~

~~Total hours (excluding written examination) - 24 hours~~

6 VAC 20-170-550. Compulsory minimum in-service training requirements.

A. Core subjects. Unarmed security officer/armed security officer/courier/unarmed alarm respondent/armed alarm respondent.

Legal authority/regulations review - 2 hours

Job related training - 2 hours

Total hours - 4 hours

B. Armored car personnel.

Statutory authorization/regulations review - 2 hours

Legal authority - 2 hours

Armored car procedures - 2 hours

Total hours - 4 hours

C. Guard dog handler.

Basic obedience evaluation and retraining - 2 hours

Legal authority/regulations review - 2 hours

Final Regulations

Job related training - 2 hours

Canine patrol techniques - 2 hours

Total hours - 8 hours

D. Private investigator.

~~Legal authority/issues (civil and criminal)/regulations review/civil and criminal law issues - 4 hours~~

Investigative procedures - 4 hours

Total hours - 8 hours

E. Personal protection specialist

~~Regulations review - 1 hour~~

Legal authority and issues - 2 hours

Protective detail operations - 10 hours

Emergency procedures - 3 hours

Total hours - 16 hours

F. Central station dispatcher

~~Code and regulation review - 1 hour~~

Job related training/false alarm prevention - 3 hours

Total hours - 4 hours

G. Electronic security sales representative

~~Code and regulation review - 1 hour~~

Job related training/false alarm prevention - 3 hours

Total hours - 4 hours

H. Electronic security technician

~~Code and regulation review - 1 hour~~

Job related training/false alarm prevention - 3 hours

Total hours - 4 hours

I. Electronic security technician's assistant

~~Job related training~~

Total hours - 2 hours

J. Compliance agent.

~~Code and regulation review - 5 hours~~

~~Job related training/false alarm prevention - 1.5 hours~~

Total - 4 hours

Industry overview and responsibilities, regulations review, business practices, ethical standards, records requirements, and other related issues

Total hours - 4 hours

K. Instructor.

~~Regulations review, legal issues, ethical standards records requirements and other related topics - 2 hours~~

~~Techniques of instruction delivery including practical exercises - 6 hours~~

Total hours - 8 hours

6 VAC 20-170-560. Partial in-service training credit. (Repealed.)

~~A. Partial in-service training credit may be approved for attendance at training programs which are not conducted through a Department of Criminal Justice Services certified private security training school. Individual partial in-service training credit applications must be submitted on forms provided by the department. The following procedures for applying for partial in-service training credit must be followed:~~

~~1. Job related training sessions which meet or exceed Department of Criminal Justice Services standards and are offered by institutions, associations, or private firms may be approved for partial in-service training credit.~~

~~2. Applications for partial in-service training credit shall include information relating to the sponsoring organization and a copy of the training schedule. The schedule shall contain the dates, times, subject matter and instructor for each session.~~

~~3. Applications must be submitted within 60 days of the last day of the training session.~~

~~B. Partial in-service training credit for regulations review may be approved upon successful completion of compliance agent in-service training.~~

6 VAC 20-170-570. Extension of time period to meet in-service training requirement. (Repealed.)

~~A. An extension of the time period to complete in-service training requirements may be approved only under specific circumstances which do not allow the private security employee to complete the required in-service training within the prescribed time period. The following are the only circumstances for which extensions may be granted:~~

~~1. Illness,~~

~~2. Injury, or~~

~~3. Military service.~~

~~B. An application for extension shall:~~

~~1. Be submitted prior to the expiration date of the time limit required for completion of the compulsory in-service training requirements; and~~

~~2. Indicate the projected date the individual will be able to comply with the in-service training requirements.~~

~~C. No extension will be approved for registrations or certifications which have expired.~~

~~D. Applications for additional extensions may be approved upon written request of the individual.~~

6 VAC 20-170-580. Firearms retraining. (Repealed.)

~~A. All armed private security services business persons must satisfactorily complete two hours of firearms classroom, retraining, range training, and requalify as prescribed in 6~~

~~VAC 20-170-850 B and 6 VAC 20-170-860, if applicable, during each 12 months of registration. Certified schools providing firearms retraining must meet the requirements of Part VIII of this chapter.~~

~~B. Each armed registrant who has complied with the initial firearms training requirement shall comply annually with firearms retraining within the 12-month period preceding the expiration date of his registration. Firearms training completed longer than 12 months prior to the expiration date of his registration is not valid.~~

~~C. Firearms classroom retraining.~~

~~Handgun classroom retraining - 2 hours~~

~~Shotgun classroom retraining - 1 hour~~

~~Range qualification (no minimum hours required).~~

~~Total hours (excluding range qualification and shotgun classroom training) - 2 hours~~

~~6 VAC 20-170-590. Personal protection specialist advanced handgun retraining - 8 hours (Repealed.)~~

~~A. Each armed personal protection specialist registrant must satisfactorily complete eight hours of personal protection specialist advanced handgun classroom training, range retraining, and requalify, if applicable. Certified schools providing personal protection specialist advanced handgun retraining must meet the requirements of Part VIII of this chapter.~~

~~B. Each armed personal protection specialist registrant who has complied with the initial personal protection specialist advanced firearms training requirement, shall comply annually with personal protection specialist advanced handgun retraining within the 12-month period preceding the expiration date of his registration. Personal protection specialist advanced handgun retraining completed longer than 12 months prior to the expiration date of his registration is not valid.~~

~~6 VAC 20-170-600. Guard dog handler basic obedience evaluation and retraining - 2 hours (Repealed.)~~

~~Each guard dog handler registrant shall comply annually with the requirement for basic obedience evaluation and retraining.~~

~~6 VAC 20-170-610. Instructor recertification training. (Repealed.)~~

~~A. Regulations review, legal issues, ethical standards, records requirements and other related topics - 2 hours~~

~~B. Techniques of instruction delivery - 6 hours including practical exercises.~~

~~Total hours (excluding testing) - 8 hours~~

~~Article 2.~~

~~Firearms Training Requirements.~~

~~6 VAC 20-170-615. Entry level firearms training requirements.~~

~~A. Firearms certification is required for all private security services business personnel who carry or have immediate~~

access to a firearm while on duty. Each person who carries or has immediate access to firearms while on duty shall qualify with each type and caliber of firearm to which he has access.

B. Handgun training.

1. The entry level handgun classroom training will emphasize but not be limited to:

- a. The proper care of the weapon;*
- b. Civil liability of the use of firearms;*
- c. Criminal liability of the use of firearms;*
- d. Weapons retention;*
- e. Deadly force;*
- f. Justifiable deadly force;*
- g. Range safety;*
- h. Practical firearms handling; and*
- i. Principles of marksmanship.*

Total hours (excluding written examination) - 8 hours

2. Written examination required.

3. No minimum hours are required for range qualification. The purpose of the range qualification course is to provide practical firearms training to individuals desiring to become armed private security services business personnel.

a. Prior to the date of range training, it will be the responsibility of the school director to ensure that all students are informed of the proper attire and equipment to be worn for the firing range portion of the training.

b. Ammunition - 60 rounds - factory loaded semi-wadcutter or duty ammunition may be used for practice or range qualification or both.

c. Target - Silhouette (M-9, Transitional Target 2, full-size B21, B21x or B-27) - Alternate targets may be utilized with prior approval by the department.

d. With prior approval of the department, a reasonable modification of the firearms course may be approved to accommodate qualification on indoor ranges.

e. A certified firearms instructor must be on the range during all phases of firearms training. There shall be one firearms instructor per four shooters on the line.

f. Directional draw holsters only.

g. Scoring.

(1) M-9, Transitional Target 2, B21, B21x, B27 target - (use indicated K-value) 8, 9, 10 X rings - value 5 points, 7 ring - value 4 points, other hits on silhouette - value 3 points: divide points scored by maximum possible score to obtain decimal and convert to percentage, e.g., $225 \div 300 = .75 = 75\%$.

Final Regulations

(2) Q targets - any fired round striking the bottle area to include its marked border - value 5 points - any fired round striking outside the bottle area - value 3 points.

h. Course: Virginia Private Security Course of Fire for Handguns.

(Strong/weak hand refers to the primary hand used in firing the weapon. The opposite hand may be used for support.)

Target -- Silhouette (B21, B21X, B27), 60 rounds

Double action, except for single action semi-automatic weapons.

Minimum qualifying score - 75%

Phase 1 -- 3 yards, point shoulder position, 18 rounds:

Load 6 rounds and holster loaded weapon.

On command, draw and fire 2 rounds (3 seconds) repeat.

Load 6 rounds and holster loaded weapon.

On command, draw and fire 6 rounds with strong hand.

Unload, reload 6 rounds and fire 6 rounds with weak hand (25 seconds).

Phase 2 -- 7 yards, point shoulder position, 24 rounds:

Load 6 rounds and holster loaded weapon.

On command, draw and fire 1 round (2 seconds), repeat.

Load 6 rounds and holster loaded weapon.

On command, draw and fire 2 rounds (3 seconds), repeat.

Load 6 rounds and holster loaded weapon.

On command, draw and fire 6 rounds, reload 6 rounds, fire 6 rounds (30 seconds).

Phase 3 -- 15 yards, 70 seconds, 18 rounds:

Load 6 rounds and holster loaded weapon.

On command, assume kneeling position, draw and fire 6 rounds with strong hand.

Assume standing position, unload, reload and fire 6 rounds from weak hand barricade position.

Unload, reload and fire 6 rounds from strong hand barricade position (70 seconds).

(Kneeling position may be fired using barricade position.)

C. Shotgun training.

1. The entry level shotgun classroom instruction will emphasize but not be limited to:

a. Safe and proper use and handling of shotgun;

b. Nomenclature; and

c. Positions and combat loading techniques.

Total hours - 1 hour

2. No minimum hours required for range firing. The purpose of the range firing course is to provide practical shotgun training to those individuals who carry or have immediate access to a shotgun in the performance of their duties.

3. For certification, 12 gauge, double aught "00" buckshot ammunition shall be used. Five rounds.

4. Scoring - 70% of available pellets must be within silhouette.

5. Course: Virginia Private Security Course of Fire for Shotguns.

	Distance	Position	No. Rounds	Target	Time
Combat load & fire	15 Yds.	Standing/Shoulder	3	B-27 Silhouette	20 sec.
Combat load & fire	25 Yds.	Kneeling/Shoulder	2	B-27 Silhouette	15 sec.

6. A certified firearms instructor must be on the range during all phases of firearms range training. There shall be one certified firearms instructor per four shooters on the line.

D. Personal protection specialist advanced handgun training. In order to be eligible for the personal protection specialist advanced handgun course of fire, each personal protection specialist student must have completed entry level handgun training and qualified on the Virginia private security course of fire for handgun by shooting a minimum score of 85%.

1. The entry level personal protection specialist advanced handgun classroom training will emphasize but not be limited to:

a. Weapon selection and nomenclature;

b. Safety and functioning;

c. Fundamentals of marksmanship review; and

d. Decision making for the personal protection specialist.

Total hours (excluding written examination) - 24 hours

2. Written examination required.

3. No minimum hours required for range qualification. The purpose of this course of fire is to assess and improve the tactical, protection-related shooting skills for personal protection specialist candidates seeking certification to be armed. This course entails five increasingly challenging stages of advanced firearms exercises with a 92% score required for qualification.

The advanced handgun course of fire is comprised of the following exercises:

- a. Shoot/don't shoot judgment;
 - b. Turn and fire drills;
 - c. Failure to stop drills;
 - d. Multiple target drills; and
 - e. Judgmental shooting.
4. For all range practicals (stage two through stage four), the student will fire at a man-size silhouette target with the following requirements:
- a. 4" diameter circle in head;
 - b. 8" diameter circle in chest/body area;
 - c. Center points of circles - 13½ inches apart;
 - d. All rounds fired must hit within these circles; and
 - e. Minimum 92% qualification score = 25 rounds total requiring 23 hits.
5. Scoring:
- a. 25 points (1 round is good for 1 point).
 - b. 92% of shots must be "in circle" hits for a passing grade (2 misses allowed on total course).
 - c. Shots not taken during stage five, when a "no-shoot" situation is presented scores a point, just as an accurate shot in a hostile situation.
 - d. 92% is 23 of 25 possible.
6. A certified personal protection specialist firearms instructor must be on the range during all phases of personal protection specialist advanced handgun training. There shall be one certified personal protection specialist firearms instructor per four students.
7. Virginia private security course of fire for personal protection specialist.

a. *Stage One: Shoot/don't shoot drill.* Stage one of the personal protection specialist advanced handgun course of fire is conducted in a classroom using a 16 mm film or video cassette tape of firearms combat scenarios to assess the student's decision making capability given job-related shoot/don't shoot incidents.

After the interaction of the scenario, the students must explain all their commands and actions.

Dry-fire response from a weapon rendered safe should be incorporated into the scenario interaction.

b. *Stage Two: Turn-and-fire drill.* Stage two of the personal protection specialist advanced handgun course of fire is held at a firing range and consists of turn-and-fire drills from varying distances (straight draw hip holsters only).

All handguns are loaded with six rounds of ammunition and safely holstered. Shooters are positioned with their backs to the targets, facing the instructor up-range. The instructor will command all shooters to walk at a normal pace, directly away from the target.

Upon the command "fire," the students must quickly turn while acquiring a firm grip on the weapon. Once facing the target and in a stable position, they must safely draw and fire two rounds at the designated target circle. After shooting, while facing the target, the student must reholster safely, then turn around to face up-range, ready to continue the exercise. The "fire" commands will be called at 3-5 yards, 5-7 yards, and then 8-10 yards.

c. *Stage Three: Failure to stop drill.* Stage three of the personal protection specialist advanced handgun course of fire is held at a firing range and consists of failure to stop drills fired from the seven-yard line (straight draw hip holsters only).

All handguns are loaded with six rounds of ammunition and are safely holstered. Shooters are positioned with their backs to the targets, facing the instructor up-range. The instructor will command all shooters to walk at normal pace, directly away from the target. Upon the command "fire," given at approximately the seven-yard line, each shooter must safely turn around while acquiring a firm grip on their weapon as performed in the previous drill. Once facing the target, the students will draw and fire two rounds at the 8-inch body circle, and then one immediate round to the 4-inch head circle. The student will then safely reholster. The drill will be repeated three times.

d. *Stage Four: Multiple target identification drill.* Stage four of the personal protection specialist advanced handgun course of fire is held at a firing range and consists of multiple target identification drills fired from varying distances (straight draw hip holsters only).

Each shooter will line up on a set of three targets. Only two shooters at one time can complete this exercise on a standard 10-12 station range. However, smaller ranges may allow for only 1 shooter at a time.

Each handgun is loaded with 6 rounds of ammunition and safely holstered. The shooters are positioned with their backs to the targets, facing the instructor up-range. The instructor will command all shooters to walk at a normal pace, directly away from the targets. Upon the command "left," "right," or "center," the student must again turn around safely while establishing a firm grip on the weapon. Then, once stable, the student must quickly draw and fire 2 rounds at the designated circle on the "called" target ("L," "R," "C"). Then, the shooter, while still facing the targets, must safely reholster, turn around to face up-range, and continue the exercise. Each two round pair must be fired within 4 seconds of the called command. Direction commands will be called at 3-5 yards, 5-7 yards, and then 8-10 yards.

e. *Stage Five: Judgmental shooting.* This drill combines the skills developed in the prior four stages. The shooter will be required to safely turn and fire at a "photograph" type target which may be either friendly or hostile. It requires hostile targets to be stopped

Final Regulations

using deadly force. Necessity (immediate jeopardy) is presumed for this exercise. This stage allows the instructor to evaluate the decision-making capability of the student as well as his shooting accuracy and safety.

Shooter is placed on the 10-yard line facing the instructor with the target to his rear. The target will be placed at any location along the range target line and should not be seen by the student until he is given the "tum" command during the drill. Each shooter has the opportunity to complete this drill four times. Each decision is worth one point. If he shoots at a hostile target, a hit anywhere on that target will score the point. If a friendly target is presented, it is clearly a no-shoot situation and the student should merely holster safely to score the point. There is a four-second time limit at this stage for any "shoot" situation.

The instructor [~~may choose to~~ will] allow each shooter [~~only~~] two opportunities to complete this drill and place two targets downrange for each. Four points or hits are still necessary at this stage for the total score. If two targets are used, then the time limit is raised to six seconds, regardless of whether two hostile targets are used or one hostile with one friendly. [~~This allows the instructor the opportunity to challenge a stronger shooter.~~]

6 VAC 20-170-616. Firearms retraining.

A. Handgun retraining.

1. All armed private security services business personnel must satisfactorily complete two hours of firearms classroom training [or practical exercises] and range training, and requalify as prescribed in 6 VAC 20-170-615 for handgun within the 12-month period immediately preceding the expiration date of his registration.

2. Approved schools providing handgun retraining must meet the requirements of Part VIII (6 VAC 20-170-620 et seq.) of this chapter.

3. Handgun classroom retraining.

Range qualification - (no minimum hours required)

Total hours (excluding range qualification and shotgun classroom training) - 2 hours

B. Shotgun retraining.

1. All armed private security services business personnel must satisfactorily complete one hour of classroom training and range training, and requalify with the shotgun as prescribed in 6 VAC 20-170-615, if applicable.

2. Approved schools providing handgun retraining must meet the requirements of Part VIII (6 VAC 20-170-620 et seq.) of this chapter.

3. Shotgun classroom retraining.

Range qualification - (no minimum hours required)

Total hours (excluding range qualification) - 1 hour

C. Personal protection specialist advanced handgun retraining.

1. Personal protection specialist advanced handgun course of fire [~~(not including range qualification)~~]

a. Legal authority and decision making - 4 hours

b. Handgun safety, marksmanship and skill development - 4 hours

Total hours (excluding range qualification) - 8 hours

Article 3.

Guard Dog Handler Retraining.

6 VAC 20-170-617. Guard dog handler retraining.

Each guard dog handler registrant shall comply annually with the requirement for basic obedience evaluation and retraining (refer to Article 1 (6 VAC 20-170-470 et seq.) of this part).

Guard dog handler basic obedience evaluation and retraining

Total hours - 2 hours

6 VAC 20-170-618 and 6 VAC 20-170-619. Reserved.

PART VIII.

PRIVATE SECURITY SERVICES TRAINING SCHOOLS.

Article 1.

School Certification.

6 VAC 20-170-620. Initial requirements for the certification of a private security services training school.

In accordance with § 9-182 of the Code of Virginia, the department may certify those schools which on the basis of curricula, instructors and facilities, provide training which meets the compulsory minimum training standards. Each person seeking to certify a private security services training school shall file an application, provided by the department, accompanied by a *the applicable* nonrefundable fee of ~~\$500~~. Each principal of the business entity applying for certification as a private security services training school must be listed on the application and is responsible for the school's adherence to the Code of Virginia and this chapter. Each person listed on the application shall complete a supplemental fingerprint processing application and submit his fingerprints on one completed set of two fingerprint cards along with a *the applicable* nonrefundable fee of ~~\$41~~; however, a maximum of two sets of fingerprint cards may accompany the application at no additional cost. Certifications shall be issued for a period not to exceed 12 months. All forms shall be completed in full compliance with the instructions provided by the department. Applicants shall meet or exceed all of the requirements contained in this part prior to the issuance of a training school certification.

6 VAC 20-170-625. Temporary training school certification.

The department may issue a letter of temporary certification to a training school applicant for not more than

120 days while awaiting the results of the state and national fingerprint search conducted on the principals of the business entity, provided the applicant has met the conditions and requirements set forth in this part.

6 VAC 20-170-630. Certification requirements; designation of school director; school director duties and responsibilities; retention and replacement of school director.

A. Each person seeking to establish a certified private security services training school shall designate a school director. The school director shall be an individual, who is not designated as school director for any other certified private security services training school, and shall possess current certification as a private security instructor.

B. The certified school director shall at all times comply with the following:

1. Ensure that the certified training school is in full compliance with the Code of Virginia and this chapter;
2. Ensure that all sessions conducted meet the requirements for mandated training;
3. Ensure that all instructors of the certified training school have been certified by the department as private security instructors and instruct in accordance with the Code of Virginia and this chapter;
4. Ensure that all training completion rosters are filed with the department within seven business days of the training completion date;
5. Ensure the maintenance of training, employment and payroll records which document compliance with the Code of Virginia and this chapter.

C. 1. Each certified training school shall maintain an individual as school director who has met the requirements of this chapter and has been certified by the department.

2. Each training school shall notify the department in writing within 10 calendar days of the termination of employment of a certified school director.

3. Within 90 days of termination of the school's certified director, the school shall submit, on a form provided by the department, the name of a new school director who has met the requirements of this chapter.

6 VAC 20-170-640. Criminal history records search.

Upon application for certification as a private security services training school, each training director and principal of the applicant firm shall submit his fingerprints to the department on one completed set of two fingerprint cards on forms provided by the department, and a \$44 the applicable nonrefundable processing fee for each set of fingerprint cards beyond the allowable two sets provided with the initial training school application. The department shall submit those fingerprints to the Virginia State Police for the purpose of conducting a Virginia Criminal History Records search and a National Criminal Records search to determine whether the individual has a record of conviction.

6 VAC 20-170-650. Unclassifiable fingerprint cards.

Fingerprint cards found to be unclassifiable will be returned to the applicant. Action on the application will be suspended pending the resubmittal of classifiable fingerprint cards. The applicant should be so notified in writing and shall submit his fingerprints on new fingerprint cards and a the applicable nonrefundable fee of \$44 to the department before the processing of his application shall resume. However, no such fee may be required if the rejected fingerprint cards are included and attached to the new fingerprint cards when resubmitted.

6 VAC 20-170-730. School expiration, renewal, reinstatement.

A. The department will mail a renewal application to the last known address of the certified school director. Failure of the certified school director to renew certification prior to the expiration date of the certification shall not be the responsibility of the department.

B. A private security training school not renewed on or before the expiration date of the certification shall become null and void. Operating a training school without valid certification is a violation of the Code of Virginia and this chapter.

C. All certifications granted to private security services training schools shall be valid for a period not to exceed 42 24 months.

D. Applications for renewal must be received 30 days prior to expiration. School renewal applications received by the department after the expiration date shall be subject to all applicable nonrefundable renewal fees plus nonrefundable reinstatement fees.

E. Applicants for renewal of training school certification shall have the option of renewing for either a period not to exceed 12 months or a period not to exceed 24 months.

4. F. The department may renew the certification of a training school for a period not to exceed 42 24 months when the following are received by the department requirements are met:

a. 1. A properly completed renewal application is submitted to the department; and

b. 2. A The applicable nonrefundable renewal fee of \$250. is submitted to the department;

2. 3. The certified school director and each certified instructor listed on the school renewal application must have satisfactorily completed all applicable instructor training requirements; and

3. 4. Each certified director, principal or certified instructor listed on the school renewal application shall be in good standing and free of disciplinary action in every jurisdiction where licensed or certified.

E. 4. G. A renewal application received by the department within 180 days following the expiration date of the certification shall be accompanied by a the applicable nonrefundable renewal fee of \$250 and the nonrefundable reinstatement fee of \$125.

Final Regulations

2. H. No training school shall be renewed or reinstated when the renewal application and fee are received by the department after 180 days following the expiration date of the approval. After that date, the applicant shall meet then current initial school certification requirements.

3. I. The date on which the application and fee are received by the department shall determine whether the applicant is eligible for renewal or reinstatement or is required to apply for initial certification as a private security training school.

Article 2. Instructor Certification.

6 VAC 20-170-760. Certified instructors.

A. Instructors desiring to instruct in a certified training school shall submit an application for instructor certification. The applicant must provide documentation of previous work experience, instructor experience, training and education for those subjects in which certification is requested. The department will evaluate qualifications based upon the justification provided. In addition, all instructor applicants shall meet the following requirements and provide documentation thereof:

1. Have a minimum of three years management or supervisory experience with a private security services business or with any federal, military police, state, county or municipal law-enforcement agency, or in a related field; or have a minimum of one year experience as an instructor or teacher at an accredited educational institution or agency in the subject matter for which certification is requested, or in a related field;
2. Have a high school diploma or equivalent (GED);
3. Successful completion of an instructor development program, within the three years immediately preceding the date of the application, that meets or exceeds standards established by the department; or successful completion of an instructor development program longer than three years prior to the date of application, and has provided instruction during the three years immediately preceding, or has provided instruction in a related field at an institution of higher learning;
4. Submit his fingerprints on one set of two completed fingerprint cards on forms provided by the department; and
5. Submit a properly completed instructor application and a *the applicable* nonrefundable application fee of \$94.

B. In addition to the instructor qualification requirements described in subsection A of this section, each firearms instructor must have completed a firearms instructors school specifically designed for law-enforcement or private security personnel. Each firearms instructor candidate must provide documentation of range qualification with a *minimum range qualification of 85% with each of the following*:

1. A revolver;
2. A semi-automatic handgun; and

3. A shotgun.

The firearms instructor training must have been completed within the three years immediately preceding the date of the instructor application; or in the event that the school completion occurred prior to three years, the applicant shall have provided firearms instruction during the three years immediately preceding.

C. ~~In addition to the requirements of subsection A of this section, each candidate for certification as a guard dog handler instructor, armored car personnel instructor, personal protection specialist instructor, and electronic security instructor shall submit to the department official documentation of qualifications in each specified area.~~

6 VAC 20-170-765. Temporary instructor certification.

The department may issue a letter of temporary certification to an instructor applicant for not more than 120 days while awaiting the results of the state and national fingerprint search conducted on the applicant, provided the applicant has met the conditions and requirements, set forth in this part.

6 VAC 20-170-770. Criminal history records search.

Upon receipt of an initial application for instructor certification, the department shall submit the fingerprints of the applicant to the Virginia State Police for the purpose of conducting a Virginia Criminal History Records search and a national criminal records search to determine whether the applicant has a record of conviction. Applicants submitting unclassifiable fingerprint cards shall be required to submit their fingerprints on new fingerprint cards along with a *the applicable* nonrefundable fee of \$44. However, no such fee shall be required if the rejected fingerprint cards are included and attached to the new fingerprint cards when resubmitted.

6 VAC 20-170-820. ~~Renewal of instructor certification. Registration/certification in-service training credit.~~

A. ~~The department may deny renewal of instructor certification for the same reason as it may refuse initial certification or discipline an instructor.~~

B. Instructors certified to teach mandatory in-service training classes, except firearms retraining, may receive credit for hours towards *the* in-service training requirements for *the categories for which they are currently registered*. *Instructors receive credit for classes in which they provide instruction, upon submission of proper documentation and department approval by submitting their names on the training completion roster for that session.*

C. ~~Each person certified as a private security instructor shall complete the instructor recertification requirements by December 31 of the third calendar year following initial certification and every third calendar year thereafter. All private security instructors certified prior to June 30, 1994, must comply with this requirement by December 31, 1997.~~

6 VAC 20-170-830. Certification expiration, renewal, reinstatement.

A. The department will mail to the last known address of the instructor a renewal notification. Failure of the instructor

to renew prior to the expiration of the certification shall be the sole responsibility of the instructor.

A private security services instructor certification not renewed on or before the expiration date shall become null and void. Operating as a private security services instructor without a valid private security services instructor certification is a violation of the Code of Virginia and this chapter.

B. All certifications issued to private security services instructors shall be valid for a period not to exceed 42 36 months.

C. 1. Applications for *renewal* of instructor certification must be received by the department at least 30 days prior to expiration. Renewal applications received by the department after the expiration date shall be subject to all applicable nonrefundable renewal fees plus reinstatement fees.

2. The department may renew the instructor certification for a period not to exceed 42 36 months from the expiration date of the certification when the following are received by the department:

- a. A properly completed renewal application;
- b. A *The applicable* nonrefundable renewal fee of \$40; and
- c. Documentation that the instructor has met the applicable recertification training standards.

3. Each instructor must have satisfactorily completed all applicable training requirements.

4. Each instructor shall be in good standing and free of disciplinary action in every jurisdiction where licensed, registered or certified.

5. A renewal application received by the department within 180 days following the expiration date of the certification shall be accompanied by a *the applicable* nonrefundable renewal fee of \$40 and a *the applicable* nonrefundable reinstatement fee of \$5.00.

6. No instructor certification shall be renewed or reinstated when the application and fee are received by the department more than 180 days following the expiration date of the certification. After that date, the applicant shall meet all initial instructor certification requirements.

7. The department may deny renewal or reinstatement of an instructor for the same reason as it may refuse initial certification or discipline a licensee.

PART IX. FIREARMS TRAINING.

6 VAC 20-170-840. Firearms training requirements. (Repealed.)

A. Private security services business personnel who apply for armed registration shall be required to meet the provisions of 6 VAC 20-170-850 and, if applicable, 6 VAC 20-170-860.

B. Every student must qualify with each type and caliber of firearm he will have access to while on duty.

6 VAC 20-170-850. Handgun training. (Repealed.)

A. ~~The eight hours of classroom training will emphasize but not be limited to:~~

- ~~1. The proper care of the weapon;~~
- ~~2. Civil liability of the use of firearms;~~
- ~~3. Criminal liability of the use of firearms;~~
- ~~4. Weapons retention;~~
- ~~5. Deadly force;~~
- ~~6. Justifiable deadly force;~~
- ~~7. Range safety;~~
- ~~8. Practical firearms handling; and~~
- ~~9. Principles of marksmanship;~~

B. ~~No minimum hours are required for range qualification. The purpose of the range qualification course is to provide practical firearms training to individuals desiring to become armed private security services business personnel.~~

~~1. Prior to the date of range training, it will be the responsibility of the school director to ensure that all students are informed of the proper attire and equipment to be worn for the firing range portion of the training.~~

~~2. Ammunition—60 rounds—factory loaded semi-wadcutter or duty ammunition may be used for practice or range qualification or both.~~

~~3. Target—Silhouette (M-9, Transitional Target 2, full-size B21, B21x or B-27)—Alternate targets may be utilized with prior approval by the department.~~

~~4. With prior approval of the department, a reasonable modification of the firearms course may be approved to accommodate qualification on indoor ranges.~~

~~5. A certified firearms instructor must be on the range during all phases of firearms training. There shall be one firearms instructor per four shooters on the line.~~

~~6. Directional draw holsters only.~~

~~7. Scoring:~~

~~a. M-9, Transitional Target 2, B21, B21x, B27 target—(use indicated K value) 8, 9, 10 X rings—value 5 points, 7 ring—value 4 points, other hits on silhouette—value 3 points—divide points scored by maximum possible score to obtain decimal and convert to percentage, e.g., $225 \div 300 = .75 = 75\%$.~~

~~b. Q targets—any fired round striking the bottle area to include its marked border—value 5 points—any fired round striking outside the bottle area—value 3 points.~~

~~8. Course: Virginia Private Security Course of Fire for Handguns.~~

~~Target—Silhouette (B21, B21X, B27)—60 rounds~~

~~Double action, except for single action semi-automatic weapons.~~

Final Regulations

Minimum qualifying score—75%

Phase 1—3 yards, point shoulder position, 18 rounds:

Load 6 rounds and holster loaded weapon.

On command, draw and fire 2 rounds (3 seconds) repeat.

Load 6 rounds and holster loaded weapon.

On command, draw and fire 6 rounds with strong hand.

Unload, reload 6 rounds and fire 6 rounds with weak hand (25 seconds).

Phase 2—7 yards, point shoulder position, 24 rounds:

Load 6 rounds and holster loaded weapon.

On command, draw and fire 1 round (2 seconds), repeat.

Load 6 rounds and holster loaded weapon.

On command, draw and fire 2 rounds (3 seconds), repeat.

Load 6 rounds and holster loaded weapon.

On command, draw and fire 6 rounds, reload 6 rounds, fire 6 rounds (30 seconds).

Phase 3—15 yards, 70 seconds, 18 rounds:

Load 6 rounds and holster loaded weapon.

On command, assume kneeling position, draw and fire 6 rounds with strong hand.

Assume standing position, unload, reload and fire 6 rounds from weak hand barricade position.

Unload, reload and fire 6 rounds from strong hand barricade position (70 seconds).

(Kneeling position may be fired using barricade position.)

6 VAC 20-170-860. Shotgun training. (Repealed.)

A. The one hour of classroom instruction will emphasize but not be limited to:

1. Safe and proper use and handling of shotgun;
2. Nomenclature; and
3. Positions and combat loading techniques.

B. No minimum hours required for range firing. The purpose of the range firing course is to provide practical shotgun training to those individuals who carry or have immediate access to a shotgun in the performance of their duties.

C. For certification, 12 gauge, double aught "00" buckshot ammunition shall be used. Five rounds.

D. Scoring—70% of available pellets must be within silhouette.

E. Course—Virginia Private Security Course of Fire for Shotguns.

	Distance	Position	No. Rounds	Target	Time
Combat load & fire	15-Yds.	Standing/ Shoulder	3	B-27 Silhouette	20-sec.
Combat load & fire	25-Yds.	Kneeling/ Shoulder	2	B-27 Silhouette	15-sec.

F. A certified firearms instructor must be on the range during all phases of firearms range training. There shall be one certified firearms instructor per four shooters on the line.

6 VAC 20-170-870. Firearms retraining. (Repealed.)

A. All armed private security services business personnel must satisfactorily complete two hours of firearms classroom training, range training, and requalify as prescribed in 6 VAC 20-170-850 B for handgun, and one hour of classroom training, range training, and requalify with the shotgun as prescribed in 6 VAC 20-170-860, if applicable, within the 12-month period immediately preceding the expiration date of his registration.

B. Approved schools providing firearms retraining must meet the requirements of Part VIII of this chapter.

6 VAC 20-170-880. Personal protection specialist advanced handgun training. (Repealed.)

A. The personal protection specialist advanced handgun training will emphasize but not be limited to:

1. Weapon selection and nomenclature;
2. Safety and functioning;
3. Fundamentals of marksmanship review; and
4. Decision making for the personal protection specialist.

B. No minimum hours required for range qualification. The purpose of this course of fire is to assess and improve the tactical, protection-related shooting skills for personal protection specialist candidates seeking certification to be armed. This course entails five increasingly challenging stages of advanced firearms exercises with a 92% score required for qualification.

1. In order to be eligible for the personal protection specialist advanced handgun course of fire, each personal protection specialist student must qualify on the Virginia private security course of fire for handgun by shooting a minimum score of 85%.

2. The advanced handgun course of fire is comprised of the following exercises:

- a. Shoot/don't shoot judgment
- b. Turn and fire drills
- c. Failure to stop drills
- d. Multiple target drills
- e. Judgmental shooting

3. For all range practicals (stage two through stage four), the student will fire at a man-size silhouette target with the following requirements:

- a. 4" diameter circle in head
- b. 8" diameter circle in chest/body area
- c. Center points of circles 13 1/2 inches apart
- d. All rounds fired must hit within these circles
- e. Minimum 92% qualification score = 25 rounds total requiring 23 hits

4. Scoring:

- a. 25 points (1 round is good for 1 point)
- b. 92% of shots must be "in circle" hits for a passing grade (2 misses allowed on total course)
- c. Shots not taken during stage five, when a "no-shoot" situation is presented scores a point, just as an accurate shot in a hostile situation.
- d. 92% is 23 of 25 possible

5. A certified personal protection specialist firearms instructor must be on the range during all phases of personal protection specialist advanced handgun training. There shall be one certified personal protection specialist firearms instructor per four students.

6. Virginia private security course of fire for personal protection specialist.

a. Stage One: Shoot/don't shoot drill Stage one of the personal protection specialist advanced handgun course of fire is conducted in a classroom using a 16 mm film or video cassette tape of firearms combat scenarios to assess the student's decision-making capability given job-related shoot/don't shoot incidents.

After the interaction of the scenario, the students must explain all their commands and actions.

Dry fire response from a weapon rendered safe should be incorporated into the scenario interaction.

b. Stage Two: Turn and fire drill

Stage two of the personal protection specialist advanced handgun course of fire is held at a firing range and consists of turn and fire drills from varying distances (straight draw hip holsters only).

All handguns are loaded with six rounds of ammunition and safely holstered. Shooters are positioned with their backs to the targets, facing the instructor up-range. The instructor will command all shooters to walk at a normal pace, directly away from the target. Upon the command "fire," the students must quickly turn while acquiring a firm grip on the weapon. Once facing the target and in a stable position, they must safely draw and fire two rounds at the designated target circle. After shooting, while facing the target, the student must reholster safely, then turn around to face up-range, ready to continue the exercise. The

"fire" commands will be called at 3-5 yards, 5-7 yards, and then 8-10 yards.

c. Stage Three: Failure to stop drill

Stage three of the personal protection specialist advanced handgun course of fire is held at a firing range and consists of failure to stop drills fired from the seven yard line (straight draw hip holsters only).

All handguns are loaded with six rounds of ammunition and are safely holstered. Shooters are positioned with their backs to the targets, facing the instructor up-range. The instructor will command all shooters to walk at normal pace, directly away from the target. Upon the command "fire," given at approximately the seven yard line, each shooter must safely turn around while acquiring a firm grip on their weapon as performed in the previous drill. Once facing the target, the students will draw and fire two rounds at the 8 inch body circle, and then one immediate round to the 4 inch head circle. The student will then safely reholster. The drill will be repeated three times.

d. Stage Four: Multiple target identification drill

Stage four of the personal protection specialist advanced handgun course of fire is held at a firing range and consists of multiple target identification drills fired from varying distances (straight draw hip holsters only).

Each shooter will line up on a set of three targets. Only two shooters at one time can complete this exercise on a standard 10-12 station range. However, smaller ranges may allow for only 1 shooter at a time.

Each handgun is loaded with 6 rounds of ammunition and safely holstered. The shooters are positioned with their backs to the targets, facing the instructor up-range. The instructor will command all shooters to walk at a normal pace, directly away from the targets. Upon the command "left," "right," or "center," the student must again turn around safely while establishing a firm grip on the weapon. Then, once stable, the student must quickly draw and fire 2 rounds at the designated circle on the "called" target ("L," "R," "C"). Then, the shooter, while still facing the targets, must safely reholster, turn around to face up-range, and continue the exercise. Each two round pair must be fired within 4 seconds of the called command. Direction commands will be called at 3-5 yards, 5-7 yards, and then 8-10 yards.

e. Stage Five: Judgmental shooting

This drill combines the skills developed in the prior four stages. The shooter will be required to safely turn and fire at a "photograph" type target which may be either friendly or hostile. It requires hostile targets to be stopped using deadly force. Necessity (immediate jeopardy) is presumed for this exercise. This stage allows the instructor to evaluate the decision-making capability of the student as well as his shooting accuracy and safety.

Final Regulations

~~Shooter is placed on the 15 yard line facing the instructor with the target to his rear. The target will be placed at any location along the range target line and should not be seen by the student until he is given the "turn" command during the drill. Each shooter has the opportunity to complete this drill four times. Each decision is worth one point. If he shoots at a hostile target, a hit anywhere on that target will score the point. If a friendly target is presented, it is clearly a no-shoot situation and the student should merely holster safely to score the point. There is a four second time limit at this stage for any "shoot" situation.~~

~~The instructor may choose to allow each shooter only two opportunities to complete this drill and place two targets downrange for each. Four points or hits are still necessary at this stage for the total score. If two targets are used, then the time limit is raised to six seconds, regardless of whether two hostile targets are used or one hostile with one friendly. This allows the instructor the opportunity to challenge a stronger shooter.~~

6 VAC 20-170-890. Personal protection specialist advanced handgun retraining. (Repealed.)

- ~~1. Legal authority and decision making—4 hours~~
- ~~2. Handgun safety, marksmanship and skill development—4 hours~~

~~Personal protection specialist advanced handgun course of fire total hours (not including range qualification)—8 hours~~

PART X.
CERTIFIED PRIVATE SECURITY SERVICES TRAINING
SCHOOLS ATTENDANCE AND ADMINISTRATIVE
REQUIREMENTS.

6 VAC 20-170-930. Examination and testing.

A. A written examination shall be administered at the conclusion of each entry level training session. Each examination shall include ~~three~~ *two* questions based on each learning objective for the compulsory minimum training session. The student must attain a minimum grade of 70% to satisfactorily complete the training session.

B. Firearms classroom training shall be separately tested and graded. Individuals must achieve a minimum score of 70% on the firearms classroom training examination.

C. Failure to achieve a minimum score of 70% on the firearms classroom written examination will exclude the individual from the firearms range training.

D. To successfully complete the firearms range training, the individual must achieve a minimum qualification score of 75% of the scoring value of the target.

E. To successfully complete the private investigator entry level training session, the individual must:

1. Complete each of the three graded practical exercises required; and

2. Pass the written examination with a minimum score of 70%.

F. To successfully complete the personal protection specialist entry level training session, the individual must:

1. Complete each of the five graded practical exercises required under Protective Detail Operations (the practical exercises in total must be passed with a minimum 70% score and must be successfully completed prior to the written examination); and
2. Pass the written examination with a minimum score of 70%.

6 VAC 20-170-940. Training completion forms.

On forms provided by the department, each training director shall issue an original training completion form to each student who satisfactorily completes a training session, no later than seven business days following the training completion date. A copy shall be retained on file with the certified training school for a minimum of three years.

6 VAC 20-170-950. Training completion roster.

The school director shall submit to the department a private security training roster affirming each student's successful completion of the session. The training completion roster and the applicable nonrefundable fee shall be received by the department within seven business days of the completion date of an approved the training session. One copy shall be retained on file with the approved certifier training school for a minimum of three years. ~~The nonrefundable fee for processing a training completion roster is \$10 per roster. The training completion roster for each session must be accompanied by the applicable nonrefundable processing fee.~~

6 VAC 20-170-960. Sanctions.

The private security services training school director, training school and instructor shall be subject to disciplinary action for violation or noncompliance with the Code of Virginia and this chapter. Failure to file the forms and reports required by the Code of Virginia and this chapter shall be a basis for imposition of sanctions.

PART XI.
STANDARDS OF PRACTICE AND PROHIBITED ACTS.

6 VAC 20-170-1000. Prohibited acts.

It shall be unlawful for a person to engage in any of the following acts. Each of the acts listed below is cause for disciplinary action:

1. Violating or aiding and abetting others in violating the provisions of Article 2.1 (§ 9-183.1 et seq.) of Chapter 27 of Title 9 of the Code of Virginia or this chapter.
2. Having committed any act or omission which resulted in a private security license or registration being suspended, revoked, not renewed or being otherwise disciplined in any jurisdiction.
3. Having been convicted or found guilty, regardless of adjudication in any jurisdiction of the United States, of any felony or a misdemeanor involving moral turpitude,

sexual offense, drug offense, physical injury, or property damage, from which no appeal is pending, the time for appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purpose of this chapter. The record of conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be prima facie evidence of such guilt.

4. Failing to inform the department in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty of any felony or of a misdemeanor involving moral turpitude, sexual offense, drug offense, physical injury or property damage.

5. Obtaining a license, license renewal, registration, registration renewal, training certification, training certification renewal, or certification to act as compliance agent for a licensee, a training school, school director, or instructor, through any fraud or misrepresentation.

6. Failing or refusing to produce to the department, during regular business hours, for inspection or copying any document or record in the compliance agent's or the licensed firm's possession which is pertinent to the records required to be kept by the Code of Virginia or by this chapter.

7. Engaging in conduct which through word, deed, or appearance falsely suggests that a private security registrant or employee is a law-enforcement officer or other government official.

8. Failing to inform the department in writing within 30 days after having been found guilty by any court or administrative body of competent jurisdiction to have violated the private security services business statutes or regulations of that jurisdiction, there being no appeal therefrom or the time for appeal having elapsed.

9. Conducting a private security services business or acting as a registrant or compliance agent in such a manner as to endanger the public health, safety and welfare.

10. Engaging in unethical, fraudulent or dishonest conduct.

11. Falsifying, or aiding and abetting others in falsifying, training records for the purpose of obtaining a license, registration, certification, or certification as a compliance agent, training school, school director or instructor.

12. Representing as one's own a license issued to another private security services business or a registration issued to another individual, or representing oneself as a certified compliance agent of a licensee, training school, school director or instructor.

13. Employing individuals who do not possess a valid registration issued by the department showing the registration categories required to perform one's duties. *Individuals requiring registration as alarm respondent, central station dispatcher, electronic security sales representative or electronic security technician may be employed for not more than 90 days while completing the compulsory minimum training standards, provided*

the individual has submitted his fingerprints on forms provided by the department. An application for registration must be received by the department within 10 calendar days of the completion of the required training.

14. Utilizing a person as an armed security officer who has not successfully completed the compulsory minimum standards for armed security officers or who does not have a valid firearms certification.

15. Performing any unlawful or negligent act resulting in loss, injury or death to any person.

16. If wearing while on duty the law-enforcement style or military style uniform of a private security licensee:

a. Which does not have at least one insignia clearly identifying the name of the licensed firm employing the individual and, except armored car personnel, a name plate or tape bearing, as a minimum, the individual's last name and first and middle initials attached on the outermost garment, except rainwear worn only to protect from inclement weather; and

b. Having a patch or other writing containing the word "police" or any other words suggesting a law-enforcement officer, or "officer," unless used in conjunction with the word "security"; or resembling any uniform patch or insignia of any duly constituted law-enforcement agency of this Commonwealth, its political subdivisions or of the federal government. This restriction shall not apply to individuals who are also duly sworn special police officers, to the extent that they may display words which accurately represent that distinction.

17. Utilizing a vehicle for a private security services business which uses or displays a flashing light not specifically authorized by the Code of Virginia.

18. Using or displaying the state seal of Virginia as a part of any licensed firm's logo, stationery, business card, badge, patch, insignia or other form of identification or advertisement.

19. Displaying of the uniform, badge or other insignia by employees of licensed firms while not on duty.

20. ~~During the course of any private investigation,~~ Providing information obtained by any licensed firm and its employees to any person other than the client who ~~employed secured the services of the licensee to obtain that information,~~ without the client's prior written consent. Provision of information in response to official requests from law-enforcement agencies, [*the courts,*] or from the department, shall not constitute a violation of this chapter. Provision of information to law-enforcement agencies pertinent to criminal activity or to planned criminal activity shall not constitute a violation of this chapter.

21. The failure of a licensee's approved compliance agent to at all times comply with the following:

a. Ensure that the licensed firm is at all times in full compliance with the Code of Virginia and this chapter;

Final Regulations

b. Ensure that the documentary evidence concerning unarmed security officers required by § 9-183.3 D of the Code of Virginia is maintained;

c. Ensure that the documentary evidence concerning electronic security technician's assistant required by § ~~9-193.3~~ 9-183.3 E of the Code of Virginia is maintained.

d. Ensure that the licensed firm does not utilize or otherwise employ any person as an unarmed security officer or electronic security technician's assistant in excess of 90 days prior to the completion of the compulsory minimum training standards for unarmed security officer or electronic security technician's assistant; and

e. Maintain VSP Forms 167, training, employment and payroll records which document the licensed firm's compliance with the Code of Virginia and this chapter.

f. *Ensure that the licensed firm does not utilize or otherwise employ any person as an unarmed security officer for which the VSP Form-167 reveals a felony or misdemeanor conviction involving moral turpitude, sexual offense, drug offense, physical injury or property damage without written approval from the department.*

g. *Ensure that the licensed firm does not utilize or otherwise employ any person as an unarmed security officer in excess of [~~150~~ 120] days without the individual being issued a certification as an unarmed security officer from the department.*

22. Failure of the certified school director or certified instructor to comply with the following:

a. Conduct training in compliance with the compulsory minimum training standards;

b. Utilize only certified training instructors;

c. Provide only accurate and current instruction and information to students;

d. Maintain and file with the department all records required by the Code of Virginia and this chapter;

e. Ensure that the certified training school is in compliance with the Code of Virginia and this chapter; or

f. Submit training completion rosters and fees to the department within seven business days of the completion of training.

23. Soliciting private security services business through advertising, business cards, bidding on contracts, or other means without having first obtained a private security services business license.

24. Failing to carry the private security photo identification card at all times while on duty.

25. Failure of an individual to present his private security registration photo identification card while on duty in response to the request of a law-enforcement officer, department personnel or client. [~~This shall not apply to~~

~~armored-car personnel or personal-protection specialists~~
]

EDITOR'S NOTICE: The forms used in administering the Regulations Relating to Private Security Services (6 VAC 20-170-10 et seq.) are listed below. Added, amended, or deleted forms are reflected on the listing. The forms are available for review at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia, and at the Department of Criminal Justice Services, 805 E. Broad Street, Richmond, Virginia.

~~Initial License Application— Private Security Services Initial Business (PSS-BL-7-193) License Application (PSS-LA-1.96)~~

~~Supplemental Private Security Services Business License Application~~

~~Certificate of Insurance (PSS-BL-7-293)~~

~~Private Security Services Bond (PSS-BL-7-393)~~

~~Irrevocable Consent for Service (PSS-7-493)~~

~~Fingerprint Processing Application (PSS-FP-7-94) (PSS-FP-1.96)~~

~~Application for Compliance Agent Training and Certification (PSS-CA-7-94) (PSS-CA-1.96)~~

~~Private Security Services Business License Renewal Application (PSS-LR-7-94) (PSS-LR-1.96)~~

~~Application for Initial Private Security Registration (PSS-RA-7-94) (PSS-RA-1.96)~~

~~Renewal Application for Private Security Registration (PSS-RR-7-94) (PSS-RR-1.96)~~

~~Unarmed Security Officer Training Certification Application (PSS-UA-7-94)~~

~~Application for Partial Exemption from the Compulsory Minimum Training Standards for Private Security Services Business Personnel (PSS-WA-7-94) (PSS-WA-1.96)~~

~~Private Security Training Completion Roster (PSS-TGR) (PSS-SA-1.96)~~

~~Private Security Instructor Certification Application (PSS-IS-7-94) (PSS-IA-1.96)~~

~~Private Security Instructor Certification Renewal Application (PSS-IR-7-94) (PSS-IR-1.96)~~

~~Complaint Form— Private Security Services (PSS-C-0793) Complaint Form (PSS-C-1.96)~~

~~Application for Duplicate/Replacement Photo Identification (PSS-ICR-S-793) Application (PSS-2MP-1.96)~~

~~Private Security General Instructor School Application (PSS-GI-7-94) (PSS-[GI-GI-1]-1.96)~~

~~Compliance Agent In-Service Training Enrollment (PSS-CT) (PSS-CT-1.96)~~

~~Training Completion Form (PSS-TCF-7-94) (PSS-TCF-1.96)~~

~~Private Security Services Certification Application (PSS-UA-1.96)~~

Private Security Services Certification Renewal Application (PSS UR 1.96)

Application for Additional Registration Category (PSS IMP 1.96)

Notification of Private Security Services Training Session (PSS TN 1.96)

Private Security Services Training School Certification Application (PSS TA 1.96)

Private Security Services Training School Certification Renewal Application (PSS TR 1.96)

General Instructor Re-Certification Training Enrollment (PSS GI2 1.96)

Private Security Personal Protection Specialist Advanced Firearms Instructor School Application (PSS FI3 1.96)

Private Security Firearms Instructor School Application (PSS FI 1.96)

Firearms Instructor Re-Certification Training Enrollment (PSS FI2 1.96)

VA.R. Doc. No. R97-200; Filed December 13, 1996, 10:17 a.m.

DEPARTMENT OF MOTOR VEHICLES

REGISTRAR'S NOTICE: The amendments to the following regulation are exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Department of Motor Vehicles will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 24 VAC 20-110-10 et seq. T&M Vehicle, Trailer, and Motorcycle Dealer Advertising Practices and Enforcement Regulations.

Statutory Authority: §§ 46.2-1991, 46.2-1992.85, and 46.2-1993.82 of the Code of Virginia.

Effective Date: February 5, 1997.

Summary:

In the 1989 Acts of the Virginia General Assembly it was found that it is in the interest of the consuming public and legitimate motor vehicle dealers to ensure that the advertising of motor vehicles is honest, fair, and clear and that deceptive or misleading advertising of the retail sales of motor vehicles as described in Motor Vehicle Dealer Advertising, Article 9 (§ 46.2-1580 et seq.) of Chapter 15 of Title 46.2 of the Code of Virginia should be prohibited. In the 1995 Acts of the Virginia General Assembly it was found that it is in the interest of the consuming public and legitimate T&M vehicle, trailer, and motorcycle dealers to ensure that the advertising of motor vehicles is honest, fair, and clear and that deceptive or misleading advertising of the retail sales of vehicles as described in T&M Vehicle Dealer Advertising, Chapter 19 (§ 46.2-1900 et seq.) of Title 46.2 of the

Code of Virginia; Trailer Dealer Advertising, Chapter 19.1 (§ 46.2-1992 et seq.) of Title 46.2 of the Code of Virginia; and Motorcycle Dealer Advertising, Chapter 19.2 (§ 46.2-1993 et seq.) of Title 46.2 of the Code of Virginia should be prohibited. Therefore, the T&M Vehicle, Trailer, and Motorcycle Dealer Advertising Practices and Enforcement Regulations are promulgated to administer the administrative and civil penalties necessary for enforcement of prohibited advertising practices. The amendments to these regulations are technical in nature. They serve to bring the regulations into compliance with law and to refer to the proper Code sections.

Agency Contact: Copies of the regulation may be obtained from L. Steve Stupasky, Department of Motor Vehicles Dealer Services, Department of Motor Vehicles, P.O. Box 27412, Richmond, VA 23269, telephone (804) 367-2921.

CHAPTER 10.
MOTOR VEHICLE T&M VEHICLE, TRAILER, AND
MOTORCYCLE DEALER ADVERTISING PRACTICES AND
ENFORCEMENT REGULATIONS FOR REGULATION
DEVELOPMENT AND PROMULGATION.

24 VAC 20-110-10. Intent.

In the 1989 Acts of the Virginia General Assembly it was found that it is in the interest of the consuming public and legitimate motor vehicle dealers to insure that the advertising of motor vehicles is honest, fair, and clear and that deceptive or misleading advertising of the retail sales of motor vehicles as described in Motor Vehicle Dealer Advertising, Article 9 (§ 46.2-1580 et seq.) of Chapter 15 of Title 46.2 of the Code of Virginia should be prohibited. *In the 1995 Acts of the Virginia General Assembly it was found that it is in the interest of the consuming public and legitimate T&M vehicle, trailer, and motorcycle dealers to insure that the advertising of motor vehicles is honest, fair, and clear and that deceptive and misleading advertising of the retail sales of vehicles as described in T&M Vehicle Dealer Advertising, Chapter 19 (§ 46.2-1900 et seq.) of Title 46.2 of the Code of Virginia; Trailer Dealer Advertising, Chapter 19.1 (§ 46.2-1992 et seq.) of Title 46.2 of the Code of Virginia; and Motorcycle Dealer Advertising, Chapter 19.2 (§ 46.2-1993 et seq.) of Title 46.2 of the Code of Virginia should be prohibited.* Therefore, the following regulations are promulgated to administer the administrative and civil penalties necessary for enforcement of prohibited advertising practices.

24 VAC 20-110-20. Definitions.

The following words and terms when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Act" means Chapter 15 (§ 46.2-1500 et seq.) Chapters 19 (§ 46.2-1900 et seq.), 19.1 (§ 46.2-1992 et seq.), and 19.2 (§ 46.2-1993 et seq.) of Title 46.2 of the Code of Virginia.

"Administrative penalties" means the denial, suspension or revocation of a license as allowed in § 46.2-1576 §§ 46.2-1986, 46.2-1992.80, and 46.2-1993.77 of the Act and based on one or more of the grounds specified in § 46.2-1575 §§ 46.2-1985, 46.2-1992.79, and 46.2-1996.76 of the Act.

"Advertiser" means same as licensee.

Final Regulations

"Civil penalty" means the monetary assessment imposed by the commissioner against a licensee not to exceed \$1,000 for any single violation of ~~§ 46.2-1584~~ §§ 46.2-1900, 46.2-1992.84, and 46.2-1993.81 of the Code of Virginia.

"Commissioner" means the Commissioner of the Department of Motor Vehicles of this Commonwealth.

"Department" means the Department of Motor Vehicles of this Commonwealth.

"Disclaimer" means those words or phrases used to provide a clear understanding or limitation to an advertised statement but not used to contradict or change the meaning of the statement.

"Disclosure" means a statement in clear terms of the dollar amounts, time frames, down payments and other terms which may be needed to provide a full understanding of credit terms, periodic payment, interest rates, time payment plans, etc.

"License" means the document issued to a Virginia motor vehicle dealer and which permits such dealer to engage in the business of buying and selling new and used motor vehicles or used motor vehicles only.

"Licensee" means any person, partnership, association, corporation or entity which is required to be licensed as a motor vehicle dealer in this Commonwealth.

"Line-make marketing group" means an association of motor vehicle dealers franchised to sell and advertise the same line-make of new motor vehicles.

"Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any vehicle included within the term "farm vehicle" or "moped" as defined in § 46.2-100 of the Code of Virginia.

"Motor vehicle" means a T&M vehicle, trailer, and motorcycle.

"New motor vehicle" means a vehicle which meets all of the following criteria. The new motor has:

1. Had limited use necessary in moving or road testing the vehicle prior to delivery to a customer;
2. Been transferred by a manufacturer's or distributor's certificate of origin which is the document provided by the manufacturer of a new motor vehicle, or its distributor to its franchised motor vehicle dealer;
3. The manufacturer's or distributor's certification that it conforms to all applicable federal motor vehicle safety and emission standards;
4. Not been previously sold by a dealer except for the purpose of resale and when the exchange is between franchised dealers of the same line-make;
5. Not been used as a rental, driver education, or demonstration motor vehicle; and
6. Not been used for the personal and business transportation of the manufacturer, distributor or dealer or any of their employees.

"Repossessed vehicle" means a vehicle which meets all of the following criteria. It has:

1. Been sold, titled, registered, and taken back from a purchaser; and
2. Not yet been resold to an ultimate user.

"Sale" means there is a significant reduction from the advertiser's usual and customary price of a motor vehicle and the offer is for a limited period of time.

"T&M vehicle" means motor homes and travel trailers as defined in § 46.2-1900 of the Code of Virginia.

"Trailer" means every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, including semitrailers but not mobile homes, sales of which are regulated under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36 of the Code of Virginia, and not (i) watercraft as defined in this section or (ii) travel trailers as defined in § 46.2-1900 of the Code of Virginia.

"Used motor vehicle" means any vehicle other than a new motor vehicle as defined in this chapter.

24 VAC 20-110-30. Practices.

For purposes of this chapter, a violation of the following regulated advertising practices shall be an unfair, deceptive, or misleading act or practice.

A. New motor vehicle. A motor vehicle shall not be advertised as new, either by word or implication, unless it is one which conforms to the definition of a "new motor vehicle" as defined in Part 1 24 VAC 20-110-20.

B. Used motor vehicle.

1. The fact that a motor vehicle is used should be clearly and unequivocally expressed by the term "used" or by such other term as is commonly understood to mean that the vehicle is used. For example, "special purchase" by itself is not a satisfactory disclosure; however, such terms as "demonstrator" or "former leased and/or rental vehicles" used alone clearly express that they meet the definition of a used vehicle for advertising purposes. When in doubt, the dealer should provide more information or simply say "used."

2. Once a certificate of origin as defined in § 46.2-1500 §§ 46.2-1900, 46.2-1992, or 46.2-1993 of the Code of Virginia has been assigned to a purchaser, the motor vehicle becomes a used vehicle and must be advertised as such.

C. Finance charges or interest rates advertisements.

1. Advertisements of finance charges or other interest rates "below market" (or words to that effect) shall not be used unless it is manufacturer or distributor sponsored or substantiated by a written agreement with the finance source.

2. Advertisement of finance charges or other interest rates shall not be used when there is a cost to buy-down said charge or rate which is passed on, in whole or in part, to the purchaser.

D. Terms, conditions, and disclaimers.

1. When terms, conditions or disclaimers are used, they shall always be stated clearly and conspicuously. An asterisk or other reference symbol may be used to point to a disclaimer or other information; but, the disclaimer shall not be used as a means of contradicting or changing the meaning of an advertised statement. In addition, they must meet the Federal Trade Commission Truth in Lending Act Requirements 15 USC §§ 1601 et seq., 12 CFR 226 (Regulation Z) or the Federal Trade Commission Truth in Leasing Act Requirements, as applicable.

2. In all printed media, where terms, conditions or disclaimers are used, they shall be clearly and conspicuously visible and printed in not less than 6-point upper case type print. When billboards, portable signs, posters, etc., are used, all terms, conditions or disclaimers need to be displayed and phrased in a manner which is clear and conspicuous.

3. In radio ads, where terms, conditions or disclaimers are used, they shall be clearly announced during the ad. They must be explained clearly and at an understandable speed and volume level.

4. In television ads, where terms, conditions or disclaimers are used, they shall be clearly and conspicuously displayed or announced, or both, during the ad. They shall be at an understandable speed or understandable volume level, or both.

E. Sale or sales. The expiration date of an advertised "sale" shall be clearly and conspicuously disclosed. If the sale exceeds 30 days, the advertiser should be prepared to substantiate that the offering is indeed a valid reduction and has not become his regular price.

F. "List price," "sticker price," "suggested retail price." These terms and similar terms shall be used only as follows:

1. In reference to the manufacturer's or distributor's suggested retail price for new vehicles; or
2. The dealer's own usual and customary price for used vehicles.

G. "Cost" and "invoice price" terms.

1. "At cost," "below cost," "\$ off cost" shall not be used in advertisements because of the difficulty in determining a dealer's actual net cost at the time of sale.

2. "Invoice price," "\$ over invoice," may be used, provided that the invoice referred to is the manufacturer's factory invoice, distributor's invoice, or a bona fide bill of sale, as applicable, and that it is available for customer inspection.

3. "Manufacturer's factory invoice" or "distributor's invoice" means that document supplied by the manufacturer or the distributor listing the manufacturer's or distributor's charge to the dealer before any deduction for items such as holdback, group advertising, factory incentives or rebates, or any governmental charges.

H. Price or credit terms of advertised vehicles. When the price or credit terms of a vehicle are advertised in print, radio, or television, the vehicle should be fully identified as to year, make, and model. In addition, in all advertisements placed by individual dealers and not marketing groups, the stated price or credit terms shall include all charges which the buyer must pay to the seller including "freight" or "destination charges." If there are deferred payments on credit sales where accrued finance charges are ultimately charged to the consumer for any part of the deferred period, then these charges must be clearly stated. State and local fees and taxes need not be included in the stated price. If the buyer will be required to pay to the seller charges which increase the advertised price, the charges must be disclosed and priced in the advertisement.

I. Matching or bettering competitor's price ads. Advertisements which set out a policy matching or bettering a competitor's price shall not be used unless the terms of the offer are specific, verifiable, and reasonable. All terms of the offer shall be included in the disclosure and disclaimer area and may not say such things as "rules or terms available in showroom" or "available before delivery." You must fully disclose as a part of the ad any material or significant conditions which must be met or the evidence the consumer must present to take advantage of the offer.

J. Advertisements of dealer rebates shall not be used. Offers to match down payments or guarantee minimum trade-in allowances are forms of dealer rebates.

K. "Free," "at no extra cost" terms. In a negotiated sale no "free," "at no cost" (or any words to that effect) offer of equipment, accessory, other merchandise or service, shall be made. No equipment, accessory, other merchandise or service shall be described as "free" or "at no cost," if its cost, or any part of its cost, is included in the price of the vehicle, or if the vehicle can be purchased for a lesser price without accepting the free offer, or if a purchase is required in order to receive the free offer.

L. "Bait advertising" shall not be used.

1. The purpose of this section is to ensure that customers will be informed the vehicle is in limited quantity or availability. If a specific vehicle is advertised, the seller shall be in possession of a reasonable supply of said vehicles and they shall be available at the advertised price. If the advertised vehicle is available only in limited numbers or only by order, that shall be stated in the ad. The listing of vehicles by stock numbers or vehicle identification numbers is permissible and is one means of satisfactorily disclosing a limitation of availability, provided a separate number is used for each vehicle. For new vehicles, if the offer is limited, you will be able to say such things as "in stock" or "will order" provided you can order the vehicle just as advertised and delivery can be assured as soon as the manufacturer or distributor can confirm the order and deliver it to your dealership. If you cannot get an order confirmation within 30 days, you must refund all moneys collected from the buyer at his request. If the vehicle is available only by order then it must be clearly and conspicuously disclosed in the advertisement.

Final Regulations

2. Advertising a vehicle at a certain price (including "as low as" statements), but having available for sale only vehicles equipped with dealer added cost "options" which increase the selling price above the advertised price, may also be considered "bait advertising."

3. If a lease payment is advertised, the fact that it is a lease arrangement shall be disclosed.

M. The term "repossessed vehicle" shall not be used unless the full criteria of the definition in ~~24 VAC 20-110-10~~ 24 VAC 20-110-20 is met. Advertisers offering such vehicles for sale shall provide proof of repossession upon request.

N. "Finance" or "loan." Words such as "finance" or "loan" shall not be used in a motor vehicle dealer advertiser's firm name or trade name, unless that person is actually engaged in the financing of motor vehicles.

O. "Special arrangement or relationship" advertisements. Statements such as "big volume buying power," "manufacturer's outlet," "factory authorized outlet," and "factory wholesale outlet," shall not be used. Any term that gives the consumer the impression the dealer has a special arrangement with the manufacturer or distributor as compared to similarly situated dealers, is misleading and shall not be used.

P. Records retention. Advertisers shall maintain the original or a clear facsimile copy of all ads in a manner that permits systematic retrieval for a period of 60 days subsequent to the expiration date of the advertisement.

24 VAC 20-110-40. Administrative and civil penalties.

A. Violations of any regulated advertising practice may, in the discretion of the commissioner, be addressed by a written warning to the licensee as an initial step in the enforcement process.

B. Any single violation of a regulated advertising practice may also, after an informal fact finding proceeding as provided in the Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia, result in an assessment of a civil penalty up to \$1,000.

C. Subsequent, same or similar violations may, after an informal fact finding proceeding as provided in the Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia, result in an assessment of a civil penalty up to the \$1,000 and may also be grounds for denying, suspending or revoking a license subject to the hearing requirements pursuant to ~~§ 46.2-1576~~ §§ 46.2-1986, 46.2-1992.80, and 46.2-1993.77 of the Act, either or both.

24 VAC 20-110-50. Appeals.

The action of the department in suspending, revoking or refusing any license or in imposing a monetary civil penalty against the licensee shall be subject to judicial review as provided in §§ ~~46.2-1577~~ §§ 46.2-1987, 46.2-1992.81, and 46.2-1993.78 and ~~46.2-1578~~ §§ 46.2-1988, 46.2-1992.82, and 46.2-1993.79 of the Act.

24 VAC 20-110-60. Other enforcement.

This chapter and the provisions of Article 9 (~~§ 46.2-1580 et seq.~~) Chapter 19 (§ 46.2-1900 et seq.), Chapter 19.1 (§ 46.2-

1992 et seq.), and Chapter 19.2 (§ 46.2-1993 et seq.) Chapter ~~16~~ of Title 46.2 of the Code of Virginia shall be in addition to and not a substitute for the powers and authority granted pursuant to the provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.) or of any other provision of the Code of Virginia.

VA.R. Doc. No. R97-207 Filed December 17, 1996, 11:59 a.m.

MOTOR VEHICLE DEALER BOARD

EDITOR'S NOTE: Chapter 767 of the 1995 Virginia Acts of Assembly separated the regulation of motor vehicle dealers from the regulation of trailers, semitrailers, and motorcycles (T&M vehicle) dealers. T&M vehicle dealers continue to be regulated under the Department of Motor Vehicles and the regulation of other vehicle dealers is vested with a newly created Motor Vehicle Dealer Board. The third enactment of Chapter 767 continued in effect for the Motor Vehicle Dealer Board regulations promulgated by the Department of Motor Vehicles. The Motor Vehicle Dealer Board took official action to adopt the regulations of the Department of Motor Vehicles in the area of motor vehicle dealer advertising and the board also adopted the department's public participation guidelines.

Although the following regulations are derived from 24 VAC 20-10-10 et seq. and 24 VAC 20-110-10 et seq., respectively, the regulations are being shown as all new language with new numbers assigned to associate the regulations with the Motor Vehicle Dealer Board. The amendments to the regulations are exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Motor Vehicle Dealer Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 24 VAC 22-10-10 et seq. Public Participation Guidelines.

Statutory Authority: § 9-6.14:7.1 of the Code of Virginia.

Effective Date: February 5, 1997.

Summary:

The board adopted these regulations to provide a process for soliciting the input of interested parties in the formation and development of regulations. The guidelines set out any methods for the identification and notification of interested parties, and any specific means of seeking input from interested persons or groups which the agency intends to use in addition to the Notice of Intended Regulatory Action. The guidelines set out a general policy for the use of standing or ad hoc advisory panels and consultation with groups and individuals registering interest in working with the agency, and address the circumstances in which the agency considers such panels or consultation appropriate and intends to make sue of such panels or consultation. The amendments to these regulations are technical in nature and serve primarily to bring the regulations to refer to the proper entities (i.e., changing "department" to "board").

Agency Contact: Copies of the regulation may be obtained from Peggy R. Bailey, Motor Vehicle Dealer Board, 2201 West Broad Street, Suite 104, Richmond, Virginia, 23220, telephone (804) 367-1100.

PART I. GENERAL PURPOSE.

24 VAC 22-10-10. General purpose.

In developing any regulation it proposes, the Motor Vehicle Dealer Board (board) is committed to soliciting input and comment from interested citizens, professional associations, and industry representatives. Such input and participation will be actively solicited by the board pursuant to the Administrative Process Act, Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

Any person who is interested in participating in the regulation development process should notify the board in writing. Such notification of interest should be sent to the Executive Director, Motor Vehicle Dealer Board.

PART II. IDENTIFICATION OF INTERESTED PARTIES.

24 VAC 22-10-20. Identification of interested parties.

Prior to the development of any regulation, the board will identify persons whom it feels would be interested or affected by the proposal. The methods for identifying interested parties will include, but not be limited to, the following:

1. Obtain annually from the Secretary of the Commonwealth a list of all persons, groups, associations and others who have registered as lobbyists for the annual General Assembly session.
2. Identify industry and professional associations from the statewide listing of business, professional, civic and charitable associations and societies in Virginia published by the Virginia Chamber of Commerce.
3. Utilize internal mailing lists of persons, organizations, groups, and agencies that have expressed an interest in advising and assisting in the development of regulations. Also utilize lists of those who have previously raised questions or expressed an interest in the subject matter under consideration pursuant to 24 VAC 22-10-10, or through requests for formal rulings or administrative appeals. At the discretion of the executive director, these lists may be maintained on a program-specific basis or be of a general-interest basis. These lists will be updated on a regular basis to include any new interested parties.

PART III. NOTIFICATION OF INTERESTED PARTIES.

24 VAC 22-10-30. Generally.

The board will prepare a Notice of Intended Regulatory Action (Form RR01) ("notice") prior to the development of any regulation. The notice will identify the subject matter and purpose for the development of the new regulation or regulations. The notice will state that the board plans to hold a public hearing on the proposed regulation after the

proposed regulation is published. It also will state the statutory authority under which they are promulgated, and will specify a time deadline for receipt of responses from persons interested in participating in the development process. The name, address, and telephone number of an agency contact will be included in the notice.

24 VAC 22-10-40. Dissemination of notice.

The methods for disseminating the notice to the public will include, but not be limited to, the following:

1. Send notice to individuals or groups identified in 24 VAC 22-10-20 as interested or potentially affected parties.
2. Publish the notice in the Virginia Register of Regulations.
3. Request that industry, professional associations, and other groups to whom the notice is sent publish such notice in newsletters or journals or use any other means available to them to disseminate the notice to their memberships.
4. Invite participation from the general public through the publication of a Notice of Intent in a newspaper of general circulation published in the state capital and, if necessary, in other general circulation newspapers.
5. The notification process delineated in this section does not apply to emergency regulations, which are excluded from the operation of Article 2 (§ 9-6.14:7.1 et seq.) of Chapter 1.1:1 of Title 9 of the Code of Virginia.

PART IV. REGULATION DEVELOPMENT.

24 VAC 22-10-50. Response to notice.

After interested parties have responded to the notice, the board may schedule informal meetings prior to the development of any regulation to determine the specific areas of interest or concern and to gather factual information on the subject matter of the regulation. Form RR06, Notice of Meeting, will be used for this purpose. Alternatively, the board may request that persons who have responded to the notice submit written comments, concerns and suggestions about or on the proposed regulation.

24 VAC 22-10-60. Establishment of advisory panel.

When appropriate, the board will utilize an ad hoc advisory panel comprised of board representatives, persons who have previously participated in public proceedings on similar subjects, or selected individuals who responded to a Notice of Intended Regulatory Action, newsletter or special mailing. The board will consider the use of an advisory panel to be appropriate whenever individuals request, in writing, to be involved directly in the development and promulgation of regulations or whenever the board determines that the subject matter of the regulations can be better addressed by persons from outside the board who are willing and able to participate directly in the promulgation process. The panel will discuss the issues and make recommendations which will be considered in drafting regulations. Once the regulations have been developed, the panel will review them and

Final Regulations

continue to participate during the promulgation process as directed by the Administrative Process Act.

24 VAC 22-10-70. Preparation of proposed regulation.

At its discretion, the board will draft the proposed regulation prior to or during any opportunities it provides to the public to submit input. In certain instances where the technical nature of the subject matter merits, the board may request that industry or professional groups develop a working draft. A copy of this draft will be furnished to all persons who responded to the notice indicating an interest in the regulation and to those persons participating in the initial comment phase of the development process. Persons to whom a copy of the working draft is furnished will be invited to submit written comments on the draft. If the response warrants, additional informal meetings may be held to discuss the working draft.

24 VAC 22-10-80. Submission of proposed regulation submission package.

Upon the conclusion of the development process, all proposed regulations will be subject to the most recent review procedures published by the Governor. After this review, the board will prepare a proposed regulation submission package for submission to the office of the Registrar of Regulations. The package will include:

1. Notice of Comment Period (Form RR02) (3 copies);
2. Proposed Regulation Transmittal Sheet (Form RR03) (3 copies);
3. A statement of basis, purpose, substance, issues and impact (2 copies);
4. A summary of the regulation (2 copies);
5. Double-spaced text of the proposed regulation (2 copies); and
6. Reporting forms used in administering the regulation, if any (2 copies).

Once the Registrar receives all the required documents and appropriate number of copies, the proposed regulation, summary and notice of opportunity for oral and written submittals on the proposed regulation will be published in the "Proposed Regulation" section of the Virginia Register.

At the same time that the regulations are filed with the Registrar's office, the board will file Form RR09, Regulation Review Summary, and a copy of the proposed regulations to the Department of Planning and Budget and to the Governor's office.

The notice of comment period will appear in each issue of the Virginia Register until the public hearing date or 60-day written comments deadline has elapsed, whichever occurs last. The summary, provided with the Notice of Comment Period form, will be printed in a newspaper of general circulation published in the state capital and, in addition, similarly published in newspapers in localities particularly affected by the proposed regulations.

24 VAC 22-10-90. Review of proposed regulation after publication.

The following types of review will occur after the publication of the proposed regulations:

1. Agency review. The board will compare the published copy of the regulation with the agency copy. Corrections will be filed with the Registrar.
2. Gubernatorial review. During the 60-day notice of comment period, the Governor will review the proposed regulations. The Governor will transmit comments on the regulations to the Registrar and the agency. These comments will be published in The Virginia Register. The board will respond to the Governor's comments pursuant to § 9-6.14:9.1 of the Code of Virginia.

The appropriate standing committee of each branch of the General Assembly may meet during the promulgation or final adoption process and file an objection with the Registrar and the promulgating agency. The board will respond to the objection pursuant to § 9-6.14:9.2 of the Code of Virginia.

24 VAC 22-10-100. Final regulations submission package.

When the notice of comment period has elapsed, the board may take action on the proposed regulations, and will again submit for publication the text of the regulation as adopted, explaining any substantial changes in the final regulation, along with an up-to-date basis, purpose, substance, issues and impact statement. A 30-day final adoption period will begin upon publication in The Virginia Register. The package will contain:

1. Final Regulation Transmittal Sheet (Form RR04) (3 copies);
2. Statement of final agency action (2 copies);
3. Explanation of substantial changes;
4. Summary of public comments and agency's responses (2 copies);
5. Summary of regulation;
6. Statement of basis, purpose, substance, issues and impact (2 copies);
7. Double-spaced text of final regulation (2 copies); and
8. Reporting forms used in administering the final regulation, if any.

At the same time that the regulations are filed with the Registrar's office, the Department of Planning and Budget and the Governor's office will receive copies of the final regulations. Copies of the board's draft summary description of public comment will be sent by the board to all public commenters on the proposed regulation at least five days before the final adoption of the regulation.

24 VAC 22-10-110. Petitions relating to regulatory actions.

The agency regulatory coordinator will establish a committee within the board to review, consider and respond to (i) all petitions received by the board requesting that it develop a new regulation or amend an existing one; or (ii)

those petitions received by the board, within 30 days from the publication of the final regulation, that request the opportunity for oral and written submittals relating to those changes with substantial impact that have occurred from the time it is published as a proposed regulation to its publication as a final regulation. Responses to those petitions requesting new or amended regulations will be made within 180 days from the day the petition is received by the board.

When petitions requesting the opportunity for oral or written submittals are received from at least 25 persons within 30 days from the publication of the final regulation, the board will suspend the regulatory process in question for 30 days to solicit public comment, unless the board determines in the committee meetings that the changes are minor and inconsequential in their impact.

PART V.
EFFECTIVE DATE.

24 VAC 22-10-120. Effective date.

The final regulation will become effective 30 days after it is published in The Virginia Register, or a later date, if specified. If there are gubernatorial or legislative objections, the procedures specified in the Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia, will be followed.

PART VI.
REGULATION AVAILABILITY.

24 VAC 22-10-130. Availability of final regulation.

The board will make available to the public copies of the adopted regulations, together with the summary of the public comments and the board's responses. The Governor's comments and the board's responses also will be available to the public. Copies of the final regulations will be sent to all interested parties who have specifically requested them.

PART VII.
FORMS.

24 VAC 22-10-140. Forms.

The Registrar of Regulations develops the forms referenced in these guidelines and may change them. Copies of forms in current use may be obtained from the Registrar's office or from the board by request.

VA.R. Doc. No. R97-208; Filed December 17, 1996, 11:57 a.m.

Title of Regulation: 24 VAC 22-30-10 et seq. Motor Vehicle Dealer Advertising Practices and Enforcement Regulations.

Statutory Authority: § 46.2-1581 of the Code of Virginia.

Effective Date: February 5, 1997.

Summary:

In the 1989 Acts of the Virginia General Assembly it was found that it is in the interest of the consuming public and legitimate motor vehicle dealers to ensure that the advertising of motor vehicles is honest, fair, and clear

and that deceptive or misleading advertising to the retail sales of motor vehicles as described in Motor Vehicle Dealer Advertising, Article 9 (§ 46.2-1580 et seq.) of Chapter 15 of Title 46.2 of the Code of Virginia should be prohibited. In the 1995 Acts of the Virginia General Assembly it was found that it is in the interest of the consuming public and legitimate motor vehicle dealers for dealers to be regulated by a board of their peers, resulting in the formation of the Virginia Motor Vehicle Dealer Board. Therefore, the Motor Vehicle Dealer Advertising Practices and Enforcement Regulations are adopted by the board to administer the administrative and civil penalties necessary for enforcement of prohibited advertising practices. The amendments to these regulations are technical in nature. They serve to bring the regulations into compliance with law. For example, the Code of Virginia requires that "the amount of any such processing fee and freight or destination charge not included in the advertised price" be printed in not less than eight-point boldface type. The "6-point upper case type print" reference in the regulations must be changed to comply with the statute change. The amendments also serve to refer to the proper entities (i.e., changing "department" to "board").

Agency Contact: Copies of the regulation may be obtained from Peggy R. Bailey, Motor Vehicle Dealer Board, 2201 West Broad Street, Suite 104, Richmond, Virginia, 23220, telephone (804) 367-1100.

CHAPTER 30.
MOTOR VEHICLE DEALER ADVERTISING PRACTICES
AND ENFORCEMENT REGULATIONS.

PART I.
GENERAL PROVISIONS.

24 VAC 22-30-10. Intent.

In the 1989 Acts of the Virginia General Assembly it was found that it is in the interest of the consuming public and legitimate motor vehicle dealers to ensure that the advertising of motor vehicles is honest, fair, and clear and that deceptive or misleading advertising of the retail sales of motor vehicles as described in Motor Vehicle Dealer Advertising, Article 9 (§ 46.2-1580 et seq.) of Chapter 15 of Title 46.2 of the Code of Virginia should be prohibited. In the 1995 Acts of the Virginia General Assembly it was found that it is in the interest of the consuming public and legitimate motor vehicle dealers for dealers to be regulated by a board of their peers, resulting in the formation of the Virginia Motor Vehicle Dealer Board. Therefore, the following regulations are promulgated by the board to administer the administrative and civil penalties necessary for enforcement of prohibited advertising practices.

24 VAC 22-30-20. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Act" means Chapter 15 (§ 46.2-1500 et seq.) of Title 46.2 of the Code of Virginia.

Final Regulations

"Administrative penalties" means the denial, suspension or revocation of a license as allowed in § 46.2-1576 of the Act and based on one or more of the grounds specified in § 46.2-1575 of the Act.

"Advertiser" means same as licensee.

"Board" means the Motor Vehicle Dealer Board of this Commonwealth.

"Civil penalty" means the monetary assessment imposed by the board or the executive director against a licensee not to exceed \$1,000 for any single violation of § 46.2-1581 of the Code of Virginia.

"Disclaimer" means those words or phrases used to provide a clear understanding or limitation to an advertised statement but not used to contradict or change the meaning of the statement.

"Disclosure" means a statement in clear terms of the dollar amounts, time frames, down payments and other terms which may be needed to provide a full understanding of credit terms, periodic payment, interest rates, time payment plans, etc.

"Executive director" means the Executive Director of the Motor Vehicle Dealer Board of this Commonwealth.

"License" means the document issued to a Virginia motor vehicle dealer and which permits such dealer to engage in the business of buying and selling new and used motor vehicles or used motor vehicles only.

"Licensee" means any person, partnership, association, corporation or entity which is required to be licensed as a motor vehicle dealer in this Commonwealth.

"Line-make marketing group" means an association of motor vehicle dealers franchised to sell and advertise the same line-make of new motor vehicles.

"New motor vehicle" means a vehicle which meets all of the following criteria. The new motor vehicle has:

1. Had limited use necessary in moving or road testing the vehicle prior to delivery to a customer;
2. Been transferred by a manufacturer's or distributor's certificate of origin which is the document provided by the manufacturer of a new motor vehicle, or its distributor to its franchised motor vehicle dealer;
3. The manufacturer's or distributor's certification that it conforms to all applicable federal motor vehicle safety and emission standards;
4. Not been previously sold by a dealer except for the purpose of resale and when the exchange is between franchised dealers of the same line-make;
5. Not been used as a rental, driver education, or demonstration motor vehicle; and
6. Not been used for the personal and business transportation of the manufacturer, distributor or dealer or any of their employees.

"Repossessed vehicle" means a vehicle which meets all of the following criteria. It has:

1. Been sold, titled, registered, and taken back from a purchaser; and
2. Not yet been resold to an ultimate user.

"Sale" means there is a significant reduction from the advertiser's usual and customary price of a motor vehicle and the offer is for a limited period of time.

"Used motor vehicle" means any vehicle other than a new motor vehicle as defined in this chapter.

PART II.

REGULATED ADVERTISING PRACTICES.

24 VAC 22-30-30. Practices.

For purposes of this chapter, a violation of the following regulated advertising practices shall be an unfair, deceptive, or misleading act or practice.

A. New motor vehicle. A motor vehicle shall not be advertised as new, either by word or implication, unless it is one which conforms to the definition of a "new motor vehicle" as defined in 24 VAC 22-30-20.

B. Used motor vehicle.

1. The fact that a motor vehicle is used should be clearly and unequivocally expressed by the term "used" or by such other term as is commonly understood to mean that the vehicle is used. For example, "special purchase" by itself is not a satisfactory disclosure; however, such terms as "demonstrator" or "former leased and/or rental vehicles" used alone clearly express that they meet the definition of a used vehicle for advertising purposes. When in doubt, the dealer should provide more information or simply say "used."

2. Once a certificate of origin as defined in § 46.2-1500 has been assigned to a purchaser, the motor vehicle becomes a used vehicle and must be advertised as such.

C. Finance charges or interest rates advertisements.

1. Advertisements of finance charges or other interest rates "below market" (or words to that effect) shall not be used unless it is manufacturer or distributor sponsored or substantiated by a written agreement with the finance source.

2. Advertisement of finance charges or other interest rates shall not be used when there is a cost to buy-down said charge or rate which is passed on, in whole or in part, to the purchaser.

D. Terms, conditions, and disclaimers.

1. When terms, conditions or disclaimers are used, they shall always be stated clearly and conspicuously. An asterisk or other reference symbol may be used to point to a disclaimer or other information; but, the disclaimer shall not be used as a means of contradicting or changing the meaning of an advertised statement. In addition, they must meet the Federal Trade Commission

Truth in Lending Act Requirements 15 USC §§ 1601 et seq., 12 CFR 226 (Regulation Z) or the Federal Trade Commission Truth in Leasing Act Requirements, as applicable.

2. In all printed media, where terms, conditions or disclaimers are used, they shall be clearly and conspicuously visible and printed in not less than 6-point upper case type print. If a processing fee or freight or destination charges are not included in the advertised price, the amount of any such processing fee and freight or destination charge must be clearly and conspicuously disclosed in not less than eight-point boldface type. When billboards, portable signs, posters, etc., are used, all terms, conditions or disclaimers need to be displayed and phrased in a manner which is clear and conspicuous.

3. In radio ads, where terms, conditions or disclaimers are used, they shall be clearly announced during the ad. They must be explained clearly and at an understandable speed and volume level.

4. In television ads, where terms, conditions or disclaimers are used, they shall be clearly and conspicuously displayed or announced, or both, during the ad. They shall be at an understandable speed or understandable volume level, or both.

E. Sale or sales. The expiration date of an advertised "sale" shall be clearly and conspicuously disclosed. If the sale exceeds 30 days, the advertiser should be prepared to substantiate that the offering is indeed a valid reduction and has not become his regular price.

F. "List price," "sticker price," "suggested retail price." These terms and similar terms shall be used only as follows:

1. In reference to the manufacturer's or distributor's suggested retail price for new vehicles; or
2. The dealer's own usual and customary price for used vehicles.

G. "Cost" and "invoice price" terms.

1. "At cost," "below cost," "\$ off cost" shall not be used in advertisements because of the difficulty in determining a dealer's actual net cost at the time of sale.
2. "Invoice price," "\$ over invoice," may be used, provided that the invoice referred to is the manufacturer's factory invoice, distributor's invoice, or a bona fide bill of sale, as applicable, and that it is available for customer inspection.
3. "Manufacturer's factory invoice" or "distributor's invoice" means that document supplied by the manufacturer or the distributor listing the manufacturer's or distributor's charge to the dealer before any deduction for items such as holdback, group advertising, factory incentives or rebates, or any governmental charges.

H. Price or credit terms of advertised vehicles. When the price or credit terms of a vehicle are advertised in print, radio, or television, the vehicle should be fully identified as to year,

make, and model. In addition, in all advertisements placed by individual dealers and not marketing groups, the stated price or credit terms shall include all charges which the buyer must pay to the seller including "freight" or "destination charges." If there are deferred payments on credit sales where accrued finance charges are ultimately charged to the consumer for any part of the deferred period, then these charges must be clearly stated. State and local fees and taxes need not be included in the stated price. If the buyer will be required to pay to the seller charges which increase the advertised price, the charges must be disclosed and priced in the advertisement.

I. Matching or bettering competitor's price ads. Advertisements which set out a policy matching or bettering a competitor's price shall not be used unless the terms of the offer are specific, verifiable, and reasonable. All terms of the offer shall be included in the disclosure and disclaimer area and may not say such things as "rules or terms available in showroom" or "available before delivery." You must fully disclose as a part of the ad any material or significant conditions which must be met or the evidence the consumer must present to take advantage of the offer.

J. Advertisements of dealer rebates shall not be used. Offers to match down payments or guarantee minimum trade-in allowances are forms of dealer rebates.

K. "Free," "at no extra cost" terms. In a negotiated sale no "free," "at no cost" (or any words to that effect) offer of equipment, accessory, other merchandise or service, shall be made. No equipment, accessory, other merchandise or service shall be described as "free" or "at no cost," if its cost, or any part of its cost, is included in the price of the vehicle, or if the vehicle can be purchased for a lesser price without accepting the free offer, or if a purchase is required in order to receive the free offer.

L. "Bait advertising" shall not be used.

1. The purpose of this section is to ensure that customers will be informed the vehicle is in limited quantity or availability. If a specific vehicle is advertised, the seller shall be in possession of a reasonable supply of said vehicles and they shall be available at the advertised price. If the advertised vehicle is available only in limited numbers or only by order, that shall be stated in the ad. The listing of vehicles by stock numbers or vehicle identification numbers is permissible and is one means of satisfactorily disclosing a limitation of availability, provided a separate number is used for each vehicle. For new vehicles, if the offer is limited, you will be able to say such things as "in stock" or "will order" provided you can order the vehicle just as advertised and delivery can be assured as soon as the manufacturer or distributor can confirm the order and deliver it to your dealership. If you cannot get an order confirmation within 30 days, you must refund all moneys collected from the buyer at his request. If the vehicle is available only by order then it must be clearly and conspicuously disclosed in the advertisement.

2. Advertising a vehicle at a certain price (including "as low as" statements), but having available for sale only

Final Regulations

vehicles equipped with dealer added cost "options" which increase the selling price above the advertised price, may also be considered "bait advertising."

3. If a lease payment is advertised, the fact that it is a lease arrangement shall be disclosed.

M. The term "repossessed vehicle" shall not be used unless the full criteria of the definition in 24 VAC 22-30-20 is met. Advertisers offering such vehicles for sale shall provide proof of repossession upon request.

N. "Finance" or "loan." Words such as "finance" or "loan" shall not be used in a motor vehicle dealer advertiser's firm name or trade name unless that person is actually engaged in the financing of motor vehicles.

O. "Special arrangement or relationship" advertisements. Statements such as "big volume buying power," "manufacturer's outlet," "factory authorized outlet," and "factory wholesale outlet," shall not be used. Any term that gives the consumer the impression the dealer has a special arrangement with the manufacturer or distributor as compared to similarly situated dealers, is misleading and shall not be used.

P. Records retention. Advertisers shall maintain the original or a clear facsimile copy of all ads in a manner that permits systematic retrieval for a period of 60 days subsequent to the expiration date of the advertisement.

PART III. ENFORCEMENT.

24 VAC 22-30-40. Administrative and civil penalties.

A. Violations of any regulated advertising practice may, in the discretion of the board or executive director, be addressed by a written warning to the licensee as an initial step in the enforcement process.

B. Any single violation of a regulated advertising practice may also, after an informal fact finding proceeding as provided in the Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia, result in an assessment of a civil penalty up to \$1,000.

C. Subsequent, same or similar violations may, after an informal fact finding proceeding as provided in the Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia, result in an assessment of a civil penalty up to the \$1,000 and may also be grounds for denying, suspending or revoking a license subject to the hearing requirements pursuant to § 46.2-1576 of the Act, either or both.

24 VAC 22-30-50. Appeals.

The action of the board in suspending, revoking or refusing any license or in imposing a monetary civil penalty against the licensee shall be subject to judicial review as provided in §§ 46.2-1577 and 46.2-1578 of the Act.

24 VAC 22-30-60. Other enforcement.

This chapter and the provisions of Article 9 (§ 46.2-1580 et seq.) of Chapter 15 of Title 46.2 of the Code of Virginia shall be in addition to and not a substitute for the powers and authority granted pursuant to the provisions of the Virginia

Consumer Protection Act (§ 59.1-196 et seq.) or of any other provision of the Code of Virginia.

VA.R. Doc. No. R97-206; Filed December 17, 1996, noon.

REAL ESTATE APPRAISER BOARD

REGISTRAR'S NOTICE: The following fee reductions filed by the Real Estate Appraiser Board are exempt from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C 9 of the Code of Virginia, which excludes regulations of the regulatory boards served by the Department of Professional and Occupational Regulation pursuant to Title 54.1 which are limited to reducing fees charged to regulants and applicants.

Title of Regulation: 18 VAC 130-20-10 et seq. Real Estate Appraiser Board Rules and Regulations (amending 18 VAC 130-20-90 and 18 VAC 130-20-130).

Statutory Authority: § 54.1-2013 of the Code of Virginia.

Effective Date: March 1, 1997.

Summary:

The amendments reduce the amount of fees charged to applicants for licensure and certification and for renewal of licenses and certifications.

Agency Contact: Copies of the regulation may be obtained from Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-2039.

18 VAC 130-20-90. Application and registration fees.

There will be no pro rata refund of these fees to licensees who resign or upgrade to a higher license or to licensees whose licenses are revoked or surrendered for other causes. All application fees for licenses and registrations are nonrefundable.

1. Application fees for registrations, certificates and licenses are as follows:

Registration of business entity		\$100
Certified General Real Estate Appraiser		\$141
Temporary Certified General Real Estate Appraiser	\$50	\$45
Certified Residential Real Estate Appraiser		\$141
Temporary Certified Residential Real Estate Appraiser	\$50	\$45
Licensed Residential Real Estate Appraiser		\$141
Temporary Licensed Residential Real Estate Appraiser	\$50	\$45
Appraiser Trainee		\$96

Final Regulations

Upgrade of license	\$70	\$65
Instructor Certification		\$135
Bad check penalty		\$25
Duplicate wall certificate		\$25

Application fees for a certified general real estate appraiser, a certified residential real estate appraiser, a licensed residential real estate appraiser and an appraiser trainee include a \$21 fee for a copy of the Uniform Standards of Professional Appraisal Practice. This fee is subject to the fee charged by the Appraisal Foundation and may be adjusted and charged to the applicant in accordance with the fee charged by the Appraisal Foundation.

2. Examination fees.

The fee for examination or reexamination is subject to contracted charges to the department by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ 11-35 et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with this contract.

3. National Registry Fee Assessment for all permanent license applicants \$50

To be assessed of each applicant in accordance with § 1109 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. This fee may be adjusted and charged to the applicant in accordance with the Act. If the applicant fails to qualify for licensure, then this assessment fee will be refunded.

18 VAC 130-20-130. Fees for renewal and reinstatement.

A. All fees are nonrefundable.

B. National registry fee assessment. In accordance with the requirements of Section 1109 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, \$50 of the biennial renewal or reinstatement fee assessed for all certified general real estate appraisers, certified residential and licensed residential real estate appraisers shall be submitted to the Appraisal Subcommittee. The registry fee may be adjusted in accordance with the Act and charged to the licensee.

Renewal and reinstatement fees for a certified general real estate appraiser, a certified residential real estate appraiser, a licensed residential real estate appraiser and an appraiser trainee include a \$21 fee for a copy of the Uniform Standards of Professional Appraisal Practice. This fee is subject to the fee charged by the Appraisal Foundation and may be adjusted and charged to the applicant in accordance with the fee charged by the Appraisal Foundation.

C. Renewal fees are as follows:

Certified general real estate appraiser	\$424	\$116
Certified residential real estate appraiser	\$424	\$116
Licensed residential real estate appraiser	\$424	\$116
Appraiser trainee	\$74	\$66

Registered business entity	\$70	\$65
Certified instructor	\$430	\$130

D. Reinstatement fees are as follows:

Certified general real estate appraiser		\$171
Certified residential real estate appraiser		\$171
Licensed residential real estate appraiser		\$71
Appraiser trainee		\$121
Registered business entity		\$100
Certified instructor	\$270	\$230

VA.R. Doc. No. R97-193; Filed December 10, 1996, 3:18 p.m.

DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

REGISTRAR'S NOTICE: The Department of Transportation has claimed an exemption from the Administrative Process Act in accordance with § 9-6.14:4.1 C 3 of the Code of Virginia, which excludes regulations consisting only of changes in style or form or corrections of technical errors and in accordance with § 9-6.14:4.1 C 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Department of Transportation will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 24 VAC 30-111-10 et seq. Hauling Permit Manual (amending 24 VAC 30-111-10, 24 VAC 30-111-50, 24 VAC 30-111-70, 24 VAC 30-111-100, 24 VAC 30-111-260, 24 VAC 30-111-270, and 24 VAC 30-111-280).

Statutory Authority: §§ 33.1-12(3) and 33.1-49 and Article 18 (§ 46.2-1139 et seq.) of Chapter 10 of Title 46.2 of the Code of Virginia.

Effective Date: February 5, 1997.

Summary:

The Hauling Permit Manual of the Commonwealth Transportation Board identifies conditions under which overweight and oversize hauling permits may be granted, and sets forth the fee structure for the permits.

The amendments (i) add words or a catchline to aid in clarity or improve consistency with other portions of the text; (ii) change telephone numbers to reflect the introduction of new areas codes in certain locations of VDOT field offices; or (iii) correct references to a VDOT organizational unit or any inaccurate reference to another section of the regulation. In addition, the application form (MP-66) has been revised.

Agency Contact: Copies of the regulation may be obtained from William Childress, Virginia Department of Transportation Hauling Permit Section, 1221 East Broad Street, Richmond, VA 23219, telephone (804) 225-3676.

Final Regulations

24 VAC 30-111-10. Definitions.

"Automobile and watercraft transporters" means a tractor truck, lowboy, vehicle, or combination, including vehicles or combinations which transport motor vehicles or watercraft on their power unit, designed and used exclusively for the transportation of motor vehicles or watercraft.

"B-train assembly" means a rigid frame extension attached to the rear frame or a first semitrailer which allows for a fifth wheel connection point for the second semitrailer.

"Irreducible" see definition for "nondivisible."

"Nondivisible load" means a vehicle configuration exceeding applicable size or weight limits which, if separated into smaller loads, would:

1. Compromise the intended use of the vehicle, i.e., make it unable to perform the function for which it was intended; or
2. Destroy the value of the load or vehicle, i.e., make it unusable for its intended purpose; or
3. Require more than eight hours workhours to dismantle using appropriate equipment.

The applicant for a nondivisible load permit has the burden of proof as to the number of workhours required to dismantle the load.

"Semitrailer" means a vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rest on or is carried by another vehicle.

"Stinger-steered automobile and watercraft transporters" means an automobile or watercraft transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame behind the rearmost axle of the power unit.

"Tractor truck" means a motor vehicle designed and used primarily for drawing other vehicles and not constructed as to carry a load other than a part of the load and weight of the vehicle attached to that vehicle.

"Trailer" means a vehicle without motive power designed for carrying property of passengers wholly on its own structure and for being drawn by a motor vehicle, including mobile homes.

"Truck" means a motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of 7,500 pounds.

"Truck - tractor semitrailer - semitrailer" means in a truck-tractor semitrailer combination vehicle, the two trailing units are connected with a B-train assembly.

"Vehicle configuration" means the height, weight, width and length of a vehicle to include vehicle axle spacing.

24 VAC 30-111-50. Primary and secondary systems.

If the dimensions of the vehicle combination or nondivisible load, or both, exceed one of the following statutory limitations listed below, a hauling permit is required.

Single Axle Weight	20,000 pounds or 650 pounds per inch of tire (width) in contact with the surface of the highway
Tandem Axle Weight	34,000 pounds (more than 40 inches but not more than 96 inches between axle centers)
Gross Weight	See 24 VAC 30-111-60. Legal weight allowed based on axle spacing.
Width	8 feet 6 inches excluding mirrors. Safety devices not to exceed 3 inches on each side
Height	13 feet 6 inches
Length	Truck -- 40 feet excluding load Semitrailer -- 48 feet Twin trailers -- 28 1/2 feet Tractor semitrailer combination -- 65 feet including load Combination of a towing vehicle and any manufactured housing -- 60 feet including load and coupling

24 VAC 30-111-70. Maximum weight allowed by permit based on axle spacings.

Maximum weight in pounds according to vehicle axle spacings allowed by permit without requiring an engineering review from the Bridge and Structure and Bridge Division for any group of two or more consecutive axles.

All vehicle configurations shall be reduced to the smallest dimensions possible and those exceeding the specifications identified in this chart will require an engineering review before a permit can be issued.

"L" is defined as the distance in feet between extremes of any group of two or more consecutive axles.

"L"	2 axles	3 axles	4 axles	5 axles	6 axles	7 or more axles
4	44,000					
5	44,000					
6	44,000					
7	44,000					
8	48,000	53,500				
9		54,500				
10		55,000				
11		56,000				
12		56,500	63,000			
13		57,500	63,500			
14		58,000	64,500			
15		59,000	65,000			
16		59,500	65,500	72,500		
17		60,500	66,500	75,000		
18		61,000	67,000	74,000		
19		62,000	67,500	74,500		
20		62,500	68,500	75,000	82,000	
21		63,500	69,000	75,500	82,500	
22		64,000	69,500	76,500	83,000	
23		65,000	70,500	77,000	84,000	
24		65,500	71,000	77,500	84,500	91,500
25		66,500	71,500	78,000	85,000	92,000
26		67,000	72,500	79,000	85,500	92,500
27		68,000	73,000	79,500	86,000	93,000
28		68,500	73,500	80,000	87,000	94,000

29	69,500	74,500	80,500	87,500	94,500
30	70,000	75,000	81,500	88,000	95,000
31	71,000	75,500	82,000	88,500	95,500
32	71,500	76,500	82,500	89,000	96,000
33		77,000	83,000	90,000	97,000
34		77,500	84,000	90,500	97,500
35		78,500	84,500	91,000	98,000
36		79,000	85,000	91,500	98,500
37		79,500	85,500	92,000	99,000
38		80,500	86,500	93,000	99,500
39		81,000	87,000	93,500	100,500
40		81,500	87,500	94,000	101,000
41		82,500	88,000	94,500	101,500
42		83,000	89,000	95,000	102,000
43		83,500	89,500	96,000	102,500
44		84,500	90,000	96,500	103,000
45		85,000	90,500	97,000	104,000
46		85,500	91,500	97,500	104,500
47		86,500	92,000	98,000	105,000
48		87,000	92,500	99,000	105,500
49		87,500	93,000	99,500	106,000
50		88,500	94,000	100,000	106,500
51		89,000	94,500	100,500	107,500
52		89,500	95,000	101,000	108,000
53		90,500	95,500	102,000	108,500
54		91,000	96,500	102,500	109,500
55		91,500	97,000	103,000	109,500
56		92,500	97,500	104,000	110,000
57		93,000	98,000	104,500	111,000
58		94,000	99,000	105,000	111,500
59		94,500	99,500	105,500	112,000
60		95,000	100,000	106,000	112,500
61		96,000	101,000	106,500	113,000
62			101,500	107,000	113,500
63			102,000	108,000	114,500
64			102,500	108,500	115,000

Height 14 feet

24 VAC 30-111-260. Transportation of explosives, radioactive and other hazardous materials.

A. A person, shipper or carrier transporting or proposing to transport explosives or other hazardous materials shall do so in compliance with all provisions of 49 CFR 100 through 180. Hazardous materials are those described by class in 49 CFR 173 through 180.

B. All transporters who haul hazardous waste into Virginia for the purpose of storage, treatment or disposal shall apply for and receive an Environmental Protection Agency (EPA) identification number which is unique to the transporter, and apply for a transportation permit from the Virginia Department of Health.

Transporters of hazardous waste generated outside of Virginia and designated for delivery to a treatment, storage or disposal facility in another state shall conform with the manifest requirements of those states or EPA, as prescribed in 40 CFR 262. Specific questions regarding the movement and permitting of hazardous materials and hazardous waste should be addressed to:

Department of Environmental Quality
629 East Main Street
P.O. Box 10009
Richmond, VA 23240-0009
Phone: 804-527-5084 698-4247

Questions regarding the movement of Hazardous Materials through tunnels or bridges, or both, shall be addressed to:

Department of Transportation
Hazardous Materials Officer
1221 East Broad Street
Richmond, VA 23219
Phone: 804-371-0891

Questions regarding hazardous material spills or incidents shall be addressed to:

CHEMTREC
1-800-424-9300 (24 hours a day)

24 VAC 30-111-270. Virginia Department of Transportation contact numbers.

Central Office:

Virginia Department of Transportation
Hauling Permit Section
1221 East Broad Street
Richmond, Virginia 23219
Phone: 804-786-2787 FAX: 804-786-5722

District Offices :

Bristol District
P.O. Box 1768
870 Bonham Road
Bristol, VA 24203
Phone: 540-669-9903

24 VAC 30-111-100. Restricted blanket permit.

A restricted blanket permit may be issued when an engineering review reveals that the vehicle's configuration does not warrant unrestricted travel throughout Virginia and therefore should not be granted a general blanket permit. Restricted blanket permits can be issued for a period not to exceed six months. Results of the engineering review may render the vehicle configuration ineligible to receive a restricted blanket permit. Requests for restricted blanket permits shall be made at least 10 work days prior to the anticipated date of movement.

Restricted blanket permits may be obtained through the VDOT Central Office for a cost of \$45. The Department of Motor Vehicles may assess a monthly fee for each mile the vehicle operates under the restricted blanket permit. The fee is \$.10 per mile and is charged for vehicles that cannot be licensed in Virginia due to vehicle or equipment size exceeding statutory limitations.

If the applicant's vehicle configuration exceeds any of the parameters listed below and an engineering review had determined the configuration ineligible to operate under a general or restricted blanket permit, the applicant may apply for a single trip or superload permit.

- Width: 14 feet (Manufactured housing -- 14 feet plus 12-inch side overhang)
- Weight: See 24 VAC 30-111-60 24 VAC 30-111-70 -- Maximum weight allowed by permit based on axle spacings
- Length: 100 feet

Final Regulations

Culpeper District
P.O. Box 671
1601 Orange Road
Culpeper, VA 22701
Phone: 540-829-7536

Residencies

Fredericksburg District
P.O. Box 808
Fredericksburg, VA 22404
Phone: 540-899-4233

Lynchburg District
P.O. Box 11649
4219 Campbell Avenue
Lynchburg, VA 24506
Phone: 804-947-6567

Northern Virginia District
3975 Fair Ridge Drive
Fairfax, VA 22033-2906
Phone: 703-934-7317

Richmond District
2400 Pine Forest Drive
Colonial Heights, VA 22834
Phone: 804-524-6004

Salem District
731 Harrison Avenue
Salem, VA 24153
Phone: 540-387-5346

Staunton District
P.O. Box 2249
Staunton, VA 24401
Phone: 540-332-9093

Suffolk District
1700 North Main Street
P.O. Box 1070
Suffolk, VA 23434
Phone: 804 757-925-2514

24 VAC 30-111-280. Permanent weigh stations.

Operators of trucks which have a registered gross weight in excess of 7,500 pounds are required by law to drive their vehicles onto scales for weight inspection as directed by either a police officer or regulatory highway sign. A police officer may require the operator of a truck to drive a distance not to exceed 10 road miles to a scale facility for weight inspection. Refusal to drive onto scales for inspection is a misdemeanor. Locations and telephone numbers for the weigh stations in Virginia are as follows:

	Station	Route	Location	Phone
1.	Alberta	85	Alberta	804-949-7336
2.	Aldie	50	Aldie	703-327-6938
3.	Bland	77	Bland	540-688-4721
4.	Carson	95	Carson	804-861-6565
5.	Dahlgren	301	Dahlgren	540-663-2295
6.	Dumfries	95	Triangle	703-221-5344

7.	New Church	13	Temperanceville	804 757-824-3614
8.	Sandston	64	Sandston	804-328-3057
9.	Stephens City	81	Stephens City	540-869-2833
10.	Suffolk	58	Suffolk	804 757-539-0356
11.	Troutville	81	Troutville	540-992-4291

FORMS

General Hauling Permit Application, MP-66 (Rev. 10/5/93 4/1/96).

Facsimile Transmittal Sheet

Preliminary/Formal Request, (Rev. 11/95).

MP-66 (Rev. 4-01-96)

Hauling Permit Application

Commonwealth of Virginia
Department of Transportation
Hauling Permit Section
1221 East Broad Street, Richmond, Virginia 23219
Phone (804) 786-3495
Fax (804) 786-5722

Single Trip Permit Requests - complete all items.
Blanket Permit Requests - complete items 1, 2, 6, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 21

VDOT Use Only

1. Name _____ Permit Number: _____
Address _____ Effective Date: _____
City _____ State _____ Zip Code _____ Expiration Date: _____
Phone Number () _____ Fee: VDOT _____ DMV: _____
Fax Number () _____ Check Number: _____
Federal Identification Number /SSN _____

2. Item to be moved _____ Transmission Company _____
I will Haul Drive Tow item mentioned in # 2 above. (Check one box)

3. Date of anticipated movement _____
Is commodity hazardous? Yes No If yes, state what type _____

Routing (Exact origin and/or destination in Virginia is required. Example: Route 11, 2.5 miles North of Route 716 in Rockbridge County)

4. From (Origin) _____
5. To (Destination) _____
6. Desired route of travel _____

Vehicle/Modular/Mobile Home Information

7. Transport Vehicle License Number _____ Trailer Serial (last 5 characters): _____
8. What weight is vehicle licensed for? _____ Licensed for what state? _____
9. Modular/Mobile Home Serial Number _____ Is the transporting undercarriage a legally licensed vehicle? _____
10. Is the transporting undercarriage permanently attached to the housing unit? _____

Configuration Size

11. Overall Height: Feet _____ Inches _____ Width: Feet _____ Inches _____ Length: Feet _____ Inches
12. State amount of overhang: Front _____ Rear _____
13. If a self-propelled truck crane, what is width measured from outside of tire to outside tire? Feet _____ Inches _____

Axle and Weight Information

14. Gross weight of vehicle configuration (including load) _____ Total number of axles on vehicle configuration _____
15. List spacing between each axle (measure from center of axle to center of next axle):
Axles 1 to 2: _____ Axles 2 to 3: _____ Axles 3 to 4: _____ Axles 4 to 5: _____ Axles 5 to 6: _____
Axles 6 to 7: _____ Axles 7 to 8: _____ Axles 8 to 9: _____ Axles 9 to 10: _____ Axles 10 to 11: _____

16. List axle weights:

Axle 1: _____ Axle 2: _____ Axle 3: _____ Axle 4: _____ Axle 5: _____ Axle 6: _____ Axle 7: _____
Axle 7: _____ Axle 8: _____ Axle 9: _____ Axle 10: _____ Axle 11: _____

17. Draw a diagram of your vehicle configuration showing total number of axles, spacing between each axle and axle weights (diagram not required if items 15 and 16 are completed)

18. Permit Types and Fees

Single Trip Permit -- \$12.00 each (valid for 13 days)
Blanket Permits (Issued only through the Central Office)
\$45 each -- one year or less. Number of permits needed _____
\$85 each -- two years. Number of permits needed _____

Building Movements (Issued through Residency office) - \$30.00 each. Fee non-refundable.

19. Permits issued "Free" of Charge (In accordance with the Code of Virginia)

Coal Hauling Permits (Use Form MP-104) Old Equipment Permits Concrete Mixed-in-transit Permits
Containerized Cargo permits Solid Waste Permits Cotton Module Hauling Permits
Farm Produce Hauling Permits

Permits issued to any office or agency of the U.S. Government, State or Local government provided the vehicle is registered in the name of such government, its agency, subdivision or municipal corporation.

20. Applicable Virginia Department of Motor Vehicle Fees

10 cents per mile will be assessed to permitted vehicles or equipment that cannot be licensed in Virginia due to vehicle or equipment exceeding statutory limitations.

\$1.00 per trip fee is levied on all mobile homes that are not licensable in Virginia due to overdimensional features. Mobile homes are exempt for paying the 10 cents per mile fee.

21. Mail-in permit request

Prepayment required before a permit can be issued. Please make check or money order payable to: Treasurer of Virginia. (Do not send cash through the mail).

Total amount enclosed \$ _____ Check or money order number _____

My signature below verifies that all information contained within this request is accurate and true. I am aware that the submission of false or inaccurate information could result in denial of application or revocation of permit privileges and that failure to complete all items on this application could result in delay of permit issuance.

Signature of applicant/designated agent: _____

Date: _____

Customer comments:

VA.R. Doc. No. R97-203; Filed December 17, 1996; 10:20 a.m.

STATE CORPORATION COMMISSION

BUREAU OF INSURANCE

December 4, 1996

ADMINISTRATIVE LETTER 1996-16

TO: All Insurers, Health Services Plans and Health Maintenance Organizations Licensed to Write Accident and Sickness Insurance in Virginia

RE: 14 VAC 5-190-10 et seq. Rules Governing the Reporting of Cost and Utilization Data Relating to Mandated Benefits and Mandated Providers - Coverage of Procedures Involving Bones and Joints

Section 38.2-3418.2 of the Code of Virginia, enacted during the 1995 Session of the Virginia General Assembly, prohibits the exclusion of coverage for diagnostic and surgical treatment involving any bone or joint of the head, face, neck or jaw under applicable policies, contracts or plans providing coverage for diagnostic or surgical treatment involving any bone or joint of the skeletal structure. This statute also prohibits the imposition of limits of coverage for treatment involving any bone or joint of the head, face, neck or jaw that are more restrictive than coverage limitations for any bone or joint of the skeletal structure if the treatment is required because of a medical condition or injury that prevents normal function of the joint or bone and is deemed medically necessary to attain functional capacity of the affected part. This requirement applies to any applicable policy, contract or plan delivered, issued for delivery or renewed in Virginia on and after July 1, 1995.

Cost and utilization information related to this requirement must be reported to the Commission pursuant to the requirements contained in § 38.2-3419.1 of the Code of Virginia, and consistent with the requirements set forth in 14 VAC 5-190-10 et seq. as currently revised, as well as prior Administrative Letters on this subject. The first reporting year for this mandated coverage is calendar year 1996, and data must therefore be reported in form MB-1 due May 1, 1997.

In order to avoid confusion and to facilitate the capturing of appropriate data relating to this requirement, the Bureau of Insurance has identified the appropriate CPT and ICD-9-CM codes for reporting this information on the attached listing, which is made part of this administrative letter. It is the reporting company's responsibility to ensure that the procedures listed are reported under this category of coverage when such procedures are related specifically to the required coverage.

Please refer any questions regarding this matter to:

Althelia P. Battle
Senior Insurance Market Examiner
State Corporation Commission
Bureau of Insurance - Life and Health Division
Post Office Box 1157
Richmond, Virginia 23218
Telephone: (804) 371-9495 FAX: (804) 371-9944

/s/ Alfred W. Gross
Commissioner of Insurance

VA.R. Doc. No. R97-199; Filed December 12, 1996, 10:23 a.m.

State Corporation Commission

Attachment to Administrative Letter 1996-16

Section 38.2-3418.2 of the Code of Virginia Coverage of Procedures Involving Bones and Joints

*1996 CPT Codes

Code	Description
20605	Intermediate joint, bursa or ganglion cyst (eg, temporomandibular, acromioclavicular, wrist, elbow or ankle, olecranon bursa)
21010	Arthrotomy, temporomandibular joint
21050	Condylectomy, temporomandibular joint (separate procedure)
21060	Meniscectomy, partial or complete, temporomandibular joint (separate procedure)
21070	Coronoidectomy (separate procedure)
21116	Injection procedure for temporomandibular joint arthrography
21125	Augmentation, mandibular body or angle; prosthetic material
21127	With bond graft, onlay or interpositional (includes obtaining autograft)
21141	Reconstruction midface, LeFort I
21145	single piece, segment movement in any direction, requiring bone grafts
21146	two pieces, segment movement in any direction, requiring bone grafts
21147	three or more pieces, segment movement in any direction, requiring bone grafts
21150	Reconstruction midface, LeFort II; anterior intrusion
21151	any direction, requiring bone grafts
21193	Reconstruction of mandibular rami, horizontal, vertical, "C", or "L" osteotomy; without bone graft
21194	With bone graft (includes obtaining graft)
21195	Reconstruction of mandibular rami and/or body, sagittal split; without internal rigid fixation.
21196	With internal rigid fixation
21198	Osteotomy, mandible, segmental
21206	Osteotomy, maxilla, segmental (eg, Wassmund or Schuchard)
21208	Osteoplasty, facial bones; augmentation (autograft, allograft, or prosthetic implant)
21209	Reduction
21210	Graft, bone; nasal, maxillary or malar areas (includes obtaining graft)
21215	Mandible (includes obtaining graft)
21240	Arthroplasty, temporomandibular joint, with or without autograft (includes obtaining graft)
21242	Arthroplasty, temporomandibular joint, with allograft
21243	Arthroplasty, temporomandibular joint, with prosthetic joint replacement
21244	Reconstruction of mandible, extraoral, with transosteal bone plate (eg, mandibular staple bone plate)
21245	Reconstruction of mandible or maxilla, subperiosteal implant; partial
21246	Complete
21247	Reconstruction of mandibular condyle with bone and cartilage autografts (includes obtaining grafts) (eg for hemifacial microsomia)
21480	Closed treatment of temporomandibular dislocation; initial or subsequent
21485	Complicated (eg, recurrent requiring intermaxillary fixation or splinting), initial or subsequent
21490	Open treatment of temporomandibular dislocation
29800	Arthroscopy, temporomandibular joint, diagnostic, with or without synovial biopsy (separate procedure)
29804	Arthroscopy, temporomandibular joint, surgical
69535	Resection temporal bone, external approach (For middle fossa approach, see 69950-69970)
70100	Radiologic examination, mandible; partial, less than four views
70110	Complete, minimum for four views
70328	Radiologic examination, temporomandibular joint, open and closed mouth; unilateral
70330	Bilateral
70332	Temporomandibular joint arthrography, radiological supervision and interpretation
70336	Magnetic resonance (eg, proton) imaging, temporomandibular joint
70486	Computerized axial tomography, maxillofacial area; without contrast material(s)
70487	With contrast material(s)
70488	Without contrast material, followed by contrast material(s) and further sections

* Codes based on CPT 1996 version are subject to change in 1997 CPT version.

1997 ICD-9-CM Codes

Code	Description
524.6	Temporomandibular Joint Disorders
524.60	Temporomandibular Joint Disorders Unspecified
719.8	Other and Specified Disorders of Joints

STATE LOTTERY DEPARTMENT

DIRECTOR'S ORDER NUMBER TWENTY-SIX (96)

VIRGINIA'S SIXTH ON-LINE LOTTERY; "THE BIG GAME," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's sixth on-line game lottery, "The Big Game." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of on-line game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Penelope W. Kyle
Director
Date: November 29, 1996

VA.R. Doc. No. R97-195; Filed December 11, 1996, 11:31 a.m.

DIRECTOR'S ORDER NUMBER THIRTY-SIX (96)

VIRGINIA'S SIXTY-SEVENTH INSTANT GAME LOTTERY; "HOLIDAY CASH," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's sixty-seventh instant game lottery, "Holiday Cash." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Penelope W. Kyle
Director
Date: November 29, 1996

VA.R. Doc. No. R97-196; Filed December 11, 1996, 11:31 a.m.

DIRECTOR'S ORDER NUMBER THIRTY-SEVEN (96)

VIRGINIA'S INSTANT GAME LOTTERY 407; "NEW YEAR'S CASH FOR LIFE," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's instant game lottery (Number 0407), "New Year's Cash for Life." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Penelope W. Kyle
Director
Date: November 29, 1996

VA.R. Doc. No. R97-197; Filed December 11, 1996, 11:32 a.m.

DIRECTOR'S ORDER NUMBER THIRTY-EIGHT (96)

VIRGINIA'S SECOND ON-LINE GAME LOTTERY; "LOTTO," FINAL RULES FOR GAME OPERATION; FIFTH REVISION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the revised rules for game operation in Virginia's second on-line game lottery, "Lotto." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of on-line game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order supersedes Director's Order Number Forty-Two (94), issued November 30, 1994. This Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Penelope W. Kyle
Director
Date: November 29, 1996

VA.R. Doc. No. R97-198; Filed December 11, 1996, 11:32 a.m.

MARINE RESOURCES COMMISSION

MARINE RESOURCES COMMISSION

NOTICE: Effective July 1, 1984, the Marine Resources Commission was exempted from the Administrative Process Act for the purpose of promulgating certain regulations. However, the Commission is required to publish the full text of final regulations.

Title of Regulation: 4 VAC 20-252-10 et seq. Pertaining to the Taking of Striped Bass.

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: December 6, 1996.

Preamble:

This regulation establishes a limited commercial and recreational fishery for striped bass in Virginia. The provisions of this regulation are intended to comply with all federal and interstate requirements for fishing for striped bass. This regulation also authorizes the aquaculture of striped bass and hybrid striped bass and sets forth the conditions required for their culture.

This regulation is promulgated pursuant to the authority contained in § 28.2-201 of the Code of Virginia. The effective date of these amendments is December 6, 1996.

Agency Contact: Copies of the regulation may be obtained from Deborah R. Cawthon, Marine Resources Commission, Regulatory Coordinator, P.O. Box 756, Newport News, VA 23607, telephone (757)-247-2248.

CHAPTER 252.

PERTAINING TO THE TAKING OF STRIPED BASS.

4 VAC-20-252-10. Purpose.

The purpose of this chapter is to provide for the continued sustained yield from the recovered striped bass stocks in Virginia and to limit the growth of the number of commercial participants in this fishery. The provisions pertaining to aquaculture serve to prevent the escape of cultured hybrid striped bass into the natural environment and to minimize the impact of cultured fish in the market place on the enforcement of other provisions of this chapter.

4 VAC-20-252-20. Definitions.

The following words and terms, when used in this chapter, shall have the following meaning unless the context clearly indicates otherwise:

"Chesapeake Bay and its tributaries" means all tidal waters of the Chesapeake Bay and its tributaries within Virginia, westward of the shoreward boundary of the Territorial Sea, excluding the coastal area as defined by this section, and excluding the Potomac River tributaries as defined by this section.

"Coastal area" means the area that includes Virginia's portion of the Territorial Sea, plus all of the creeks, bays, inlets, and tributaries on the seaside of Accomack County, Northampton County (including areas east of the causeway from Fisherman Island to the mainland), and the City of

Virginia Beach (including federal areas and state parks, fronting on the Atlantic Ocean and east and south of the point where the shoreward boundary of the Territorial Sea joins the mainland at Cape Henry).

"Commission" means the Marine Resources Commission.

"Commercial fishing" or "fishing commercially" or "commercial fishery" means fishing by any person where the catch is for sale, barter, trade, or any commercial purpose, or is intended for sale, barter, trade, or any commercial purpose.

"Potomac River tributaries" means all the tributaries of the Potomac River that are within Virginia's jurisdiction beginning with, and including, Flag Pond thence upstream to the District of Columbia boundary.

"Recreational fishing" or "fishing recreationally" or "recreational fishery" means fishing by any person, whether licensed or exempted from license, where the catch is not for sale, barter, trade, or any commercial purpose, or is not intended for sale, barter, trade, or any commercial purpose.

"Spawning reaches" means sections within the spawning rivers as follows:

1. James River from a line connecting Dancing Point and New Sunken Meadow Creek upstream to a line connecting City Point and Packs Point.
2. Pamunkey River from the Route 33 Bridge at West Point upstream to a line connecting Liberty Hall and the opposite shore.
3. Mattaponi River from the Route 33 Bridge at West Point upstream to the Route 360 bridge at Aylett.
4. Rappahannock River from the Route 360 Bridge at Tappahannock upstream to the Route 3 bridge at Fredericksburg.

"Striped Bass" means any fish of the species *Morone saxatilis*, including any hybrid of the species *Morone saxatilis*.

4 VAC-20-252-30. General prohibitions and requirements.

A. It shall be unlawful for any person to possess any striped bass taken from the tidal waters of Virginia, including Virginia's portion of the Territorial Sea, except in accord with the provisions of Title 28.2 of the Code of Virginia and in accord with the provisions of this chapter.

B. It shall be unlawful for any person to possess any striped bass taken from the tidal waters of Virginia, including Virginia's portion of the Territorial Sea, during a time, from an area, and with a gear type when there is no open season set forth in this chapter for such time, area, and gear type.

C. Except for those persons permitted in accordance with 4 VAC 20-252-170, it shall be unlawful for any person to possess any striped bass less than 18 inches total length at any time.

D. It shall be unlawful for any person to possess any striped bass that measures less than the minimum size or more than the maximum size applicable to the open season when fishing occurs.

Marine Resources Commission

E. Total length measurement of striped bass shall be in a straight line from tip of nose to tip of tail.

F. It shall be unlawful for any person while aboard any boat or vessel or while fishing from shore or pier to alter any striped bass or to possess any altered striped bass such that its total length cannot be determined.

G. It shall be unlawful for any person to spear or gaff, or attempt to spear or gaff any striped bass at any time.

H. It shall be unlawful for any person to use a commercial hook-and-line within 300 feet of any bridge, bridge-tunnel, jetty, or pier during any open recreational striped bass season in the Chesapeake Bay and its tributaries, except during the period midnight Sunday through midnight Wednesday.

I. Unless specified differently in other chapters, it shall be unlawful to place, set, or fish any gill net within 300 feet of any bridge, bridge-tunnel, jetty, or pier during any open recreational striped bass season in the Chesapeake Bay and its tributaries, except during the period midnight Sunday through midnight Wednesday.

J. During the period April 1 through May 31, inclusive, it shall be unlawful for any person to set or fish any anchored gill net or staked gill net, for any purpose, within the spawning reaches of the James, Pamunkey, Mattaponi, and Rappahannock Rivers. Drift or float gill nets may be set and fished within the spawning reaches of these rivers during this period, provided that the person setting and fishing the net remains with the net during the time it is fishing and all striped bass that are caught shall be returned to the water immediately. Holding any permit issued by the commission to fish for striped bass, recreationally or commercially, shall authorize any commission personnel or their designees to inspect, measure, weigh, or take biological samples from any striped bass in possession of the permit holder.

4 VAC-20-252-40. Severability.

Any provision of this chapter that is held invalid by a court of competent jurisdiction shall not affect the validity of other provisions of this chapter which can be given effect without the invalid provision.

4 VAC-20-252-50. Concerning recreational fishing: general.

A. It shall be unlawful for any person fishing recreationally to take or to catch striped bass with any gear other than hook and line, rod and reel, or hand line.

B. It shall be unlawful for any person fishing recreationally to possess any striped bass while fishing in an area where or at a time when there is no open recreational striped bass season. Striped bass caught contrary to this provision shall be returned to the water immediately.

C. It shall be unlawful for any person fishing recreationally to possess striped bass in excess of the possession limit applicable for the area and season being fished. Striped bass taken in excess of the possession limit shall be returned to the water immediately. When fishing from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to

fish multiplied by the applicable personal possession limit. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit.

D. It shall be unlawful to combine possession limits when there is more than one area or season open at the same time.

E. It shall be unlawful for any person while actively fishing pursuant to a recreational fishery to possess any striped bass that are smaller than the minimum size limit or larger than the maximum size limit for the area and season then open and being fished. Any striped bass caught that does not meet the applicable size limit shall be returned to the water immediately.

F. It shall be unlawful for any person to sell, offer for sale, trade or barter any striped bass taken by hook and line, rod and reel, or hand line provided, however, this provision shall not apply to persons possessing a commercial hook-and-line license and a striped bass permit and meeting the other requirements of this chapter.

G. It shall be unlawful for any person fishing recreationally to transfer any striped bass to another person, while on the water or while fishing from a pier or shore.

H. It shall be unlawful for the captain of any charter boat or charter vessel to take hook-and-line, rod-and-reel, or hand line fishermen for hire unless the captain has obtained a permit from the commission and is the holder of a Coast Guard charter license.

I. Charter boat captains shall report to the commission, on forms provided by the commission, all daily quantities of striped bass caught and harvested, and daily fishing hours for themselves or their customers, respectively. The written report shall be forwarded to the commission no later than 15 days following the last day of any open season. In addition, charter boat captains engaging in the Bay and Coastal Trophy-size Striped Bass Recreational Fishery and the Potomac River Tributaries Trophy-size Striped Bass Recreational Fishery shall provide the report required by 4 VAC 20-252-60 and 4 VAC 20-252-70, respectively. Failure to provide these reports is a violation of this chapter.

4 VAC-20-252-60. Bay and coastal trophy-size striped bass recreational fishery.

A. The open season for this fishery shall be May 1 through May 15, inclusive; provided, however, the season may be adjusted as set forth in subsection E of this section.

B. The area open for this fishery shall be the coastal area and the Chesapeake Bay and its tributaries, except the spawning reaches of the James, Pamunkey, Mattaponi, and Rappahannock Rivers.

C. The minimum size limit for this fishery shall be 32 inches total length.

D. The possession limit for this fishery shall be one fish per person.

E. This fishery, combined with the fishery defined by 4 VAC 20-252-70, shall have a target take of 30,000 total fish coming from both the Virginia and Maryland portions of the

Marine Resources Commission

Chesapeake Bay and any tributaries of the Chesapeake Bay and the Potomac River, and includes the area under the jurisdiction of the Potomac River Fisheries Commission. The season for this fishery shall be closed when it is determined that this total target has been reached.

F. Persons engaging in this fishery shall report the retention of any striped bass to the commission. Filing the report shall be the responsibility of the person retaining the striped bass, or, in the case of any charter boat or vessel, the captain of the charter boat or vessel. These reports are due 15 days after the close of this fishery and shall be on forms provided by the commission. There will be separate forms for persons and for charter boats or vessels.

4 VAC-20-252-70. Potomac River tributaries trophy-size striped bass recreational fishery.

A. The open season for the Potomac River tributaries trophy-size striped bass recreational fishery shall correspond to the open season as established by the Potomac River Fisheries Commission for the mainstem Potomac River trophy-size fishery.

B. The area open for this fishery shall be those tributaries of the Potomac River that are within Virginia's jurisdiction beginning with, and including, Flag Pond thence upstream to the Route 301 bridge.

C. The minimum size limit for this fishery shall be 32 inches total length.

D. The possession limit for this fishery shall be one fish per person.

E. This fishery, combined with the fishery defined by 4 VAC 20-252-60 shall have a target take of 30,000 total fish coming from both the Virginia and Maryland portions of the Chesapeake Bay and any tributaries of the Chesapeake Bay and Potomac River, and includes the area under the jurisdiction of the Potomac River Fisheries Commission. The season for this fishery shall be closed when it is determined that this total target has been reached.

F. Persons engaging in this fishery shall report the retention of any striped bass to the commission. Filing the report shall be the responsibility of the person retaining the striped bass, or, in the case of any charter boat or vessel, the captain of the charter boat or vessel. These reports are due 15 days after the close of this fishery and shall be on forms provided by the Commission. There will be separate forms for persons and for charter boats or vessels.

4 VAC-20-252-80. Bay Spring striped bass recreational fishery.

A. The open season for the Bay Spring striped bass recreational fishery shall be May 16 through June 15 inclusive.

B. The area open for this fishery shall be the Chesapeake Bay and its tributaries.

C. The minimum size limit for this fishery shall be 18 inches total length, and the maximum size limit for this fishery shall be 28 inches total length.

D. The possession limit for this fishery shall be two fish per person.

4 VAC-20-252-90. Bay Fall striped bass recreational fishery.

A. The open season for the Bay Fall striped bass recreational fishery shall be October 17 through December 31, inclusive.

B. The area open for this fishery shall be the Chesapeake Bay and its tributaries.

C. The minimum size limit for this fishery shall be 18 inches total length.

D. The possession limit for this fishery shall be two fish per person.

4 VAC-20-252-100. Potomac River tributaries fall striped bass recreational fishery.

A. The open season for the Potomac River tributaries fall striped bass fishery shall correspond to the open fall season as established by the Potomac River Fisheries Commission for the mainstem Potomac River.

B. The area open for this fishery shall be the Potomac River tributaries.

C. The minimum size limit for this fishery shall be 18 inches total length.

D. The possession limit for this fishery shall be two fish per person.

4 VAC-20-252-110. Coastal striped bass recreational fishery.

A. The open seasons for the coastal striped bass recreational fishery shall be January 1 through March 31 and May 16 through December 31, inclusive.

B. The area open for this fishery shall be the coastal area as defined in this chapter.

C. The minimum size limit for this fishery shall be 28 inches total length.

D. The possession limit for this fishery shall be two fish per person.

4 VAC-20-252-120. Concerning commercial fishing: general.

A. It shall be unlawful for any person to engage in the commercial fishery for striped bass without first having the necessary commercial fisherman's registration license and appropriate gear license as required by Title 28.2 of the Code of Virginia, and the special permit to fish for striped bass established in 4 VAC 20-252-130.

B. It shall be unlawful for any person fishing commercially to harvest striped bass by any method other than gill net, pound net, haul seine, fyke net, or commercial hook and line. The harvest of striped bass by any person using any of these gear is presumed to be a commercial harvest.

C. It shall be unlawful for any person fishing commercially to possess any striped bass taken outside any open commercial season or area, or with gear inapplicable to the season and area, as specified in 4 VAC 20-252-140. Any

Marine Resources Commission

striped bass caught contrary to this provision shall be returned to the water immediately.

D. It shall be unlawful for any person while actively fishing pursuant to a commercial fishery to possess any striped bass that is less than the minimum size limit applicable for the area and season then open and being fished. Any striped bass caught that does not meet the applicable minimum size limit shall be returned to the water immediately.

E. All striped bass in the possession of any person for the purpose of sale must be identified with a tamper evident sealed tag that has been approved and issued by the appropriate authority in the jurisdiction of capture. Whole striped bass shall have tags attached directly to the fish. Processed or filleted striped bass must be accompanied by the tags removed from the fish when processed.

F. When the striped bass are in the possession of any person, other than the original harvester, for the purpose of resale, the striped bass shall be accompanied by a bill of sale which shall include the name of the seller, the permit or license number of the seller if such permit or license is required in the jurisdiction of harvest, the date of sale, the pounds of striped bass in possession, the location of catch and the gear type used to harvest the striped bass. If the striped bass product for sale is fillets, the bill of sale shall also specify the number of fillets.

4 VAC-20-252-130. Entry limits, permits, and reports.

A. There is established a special permit for engaging in the commercial fishery for striped bass, and it shall be unlawful for any person to engage in the commercial fishery for striped bass without first having obtained the permit from the Commission. This permit will be for a specific gear, and it shall be unlawful for any person to engage in the commercial fishery for striped bass with any gear not so permitted, except that commercial hook-and-line may be used by any permittee. Permits will be issued in number and manner as set forth in subdivisions B 1 and B 2 of this section. To be qualified to receive a permit, the applicant must meet the conditions of subdivisions 1, 2, 3, and 4 of this subsection, and the conditions of either subdivision 5 a or b of this subsection. An applicant meeting the conditions of subdivisions 1, 2, 3, 4, and 5 a of this subsection shall be considered a priority applicant and qualified for a permit for specific gear as set forth in subdivision B 2 a of this section.

1. Applicants shall apply for permits by January 6, 1997, to be eligible to fish during the commercial season beginning February 1. Applicants not in accord with this time period will not be accepted.

Completed permit applications and supporting documents may be hand delivered, mailed, or faxed to the Marine Resources Commission, 2600 Washington Avenue, P.O. Box 756, Newport News, Virginia 23607. Complete applications must be received at this main office address of the Commission no later than 5 p.m. on the last day of the application period.

2. Applicants shall apply only for a permit for and use only a single type of commercial gear and will be restricted to that gear type in future years. For the 1997

fishing season, an applicant may apply for a permit for any allowed gear, provided the 1997 application will not result in a larger allocation of tags to the applicant than the 1996 application.

3. Applicants shall have reported all prior fishing activity in accordance with 4 VAC 20-610-10 et seq. such that the applicant is not under any sanction by the commission for noncompliance.

4. Applicants shall certify on a form provided by the Commission that they harvested and sold at least \$5,000 worth of finfish or shellfish during 1995. Upon request of the commission any applicant or permittee shall present to the commission such records, sales receipts, or tax forms which may be used to verify that the applicant or permittee meets the above criteria. Failure to present sufficient records may result in a revocation of the striped bass permit.

5. Applicants shall meet either of the following conditions:

a. Applicants shall have held a valid striped bass commercial gear permit for 1996. Applicants meeting this condition and all prior listed conditions (subdivisions 1 through 4 of this subsection) shall be considered priority applicants.

b. All other applicants shall meet the requirements described in subdivisions 1 through 4 of this subsection.

6. The commission may grant exceptions to the limited entry conditions listed above based on hardship. Any person requesting an exception shall provide in writing an explanation of their hardship and all pertinent information relating to these conditions and the hardship. All requests for exceptions must be received at the commission by December 16. The commission shall withhold from distribution to those holding permits three percent of the commercial quota which shall be distributed to those individuals granted exceptions.

B. 1. There shall be a limited number of permits for specific gear available for the commercial fishery for striped bass for 1997. The maximum number of permits for each specific gear shall be as follows:

a. For gill nets	382
b. For pound nets	57
c. For haul seines	10
d. For fyke nets	7
e. For commercial hook and line	39

2. Permits shall be granted by the commission in the following manner and the maximum number of permits for a gear may be increased if necessary to comply with this manner.

a. A qualified priority applicant (meets the conditions of subdivisions A 1, 2, 3, 4, and 5 a of this section) for a permit for any gear shall be granted a permit for that

Marine Resources Commission

gear. If the number of qualified priority applicants for a gear exceeds the maximum number of permits available for that gear then the maximum number of permits for that gear shall be increased to equal the number of qualified priority applicants, thus assuring that all qualified priority applicants receive a permit for the gear applied for.

b. In the event the number of qualified priority applicants for any gear take the maximum number of permits available for that gear, then all other qualified applicants (meets the conditions of subdivisions A 1 through 4 and 5 b of this section) from the 1996 waiting list shall be placed, using their relative ranked order, on the 1997 waiting list. Additional qualified applicants for the fishing year shall be placed by lottery on the waiting list in rank order following those qualified applicants from the 1996 waiting list. The 1997 waiting list shall be used to grant any permits in subsequent years, provided the applicant remains qualified.

c. In the event the number of qualified priority applicants for any gear is less than the maximum number of permits available for that gear, then the number of permits not issued for that gear shall be available to other qualified applicants in order of their rank on the 1997 waiting list for that gear.

C. It shall be unlawful for any person to purchase striped bass taken from Virginia's tidal waters for the purpose of resale without first obtaining a permit from the commission.

D. Permits must be in the possession of the permittee while harvesting, selling or possessing striped bass. Failure to have the appropriate permit in possession shall be a violation of this chapter.

E. All commercial harvesters of striped bass shall report to the commission in accordance with 4 VAC 20-610-10 et seq.

F. All buyers of striped bass taken from Virginia's tidal waters shall provide written reports of daily purchases and sales for each commercial fishing season to the commission no later than 15 days following the last day of each commercial fishing season.

G. Failure of any person permitted to harvest, buy, or sell striped bass, to submit the required written report for any fishing day shall constitute a violation of this chapter.

4 VAC-20-252-140. Commercial seasons, areas, and size limits.

Except as may be adjusted pursuant to 4 VAC 20-252-150, the open commercial striped bass fishing seasons, areas, and applicable size limits, by gear, shall be as follows:

1. In the Chesapeake Bay and its tributaries and the Potomac River tributaries, the open commercial season for pound net, gill net, haul seine, fyke net, and commercial hook and line shall be from February 1 through December 31, inclusive. The minimum size limit shall be 18 inches total length during the periods of February 1 through December 31. The maximum size limit shall be 28 inches from March 15 through June 15.

2. In the coastal area, the open commercial season for pound net, gill net, haul seine, fyke net, and commercial hook and line shall be February 1 through December 31, inclusive, and the minimum size limit shall be 28 inches total length.

4 VAC-20-252-150. Commercial harvest quota.

A. All harvests of striped bass by gill net, pound net, haul seine, fyke net, and commercial hook and line shall be used in arriving at the total allowable level of commercial harvest.

B. The total allowable level of all commercial harvest of striped bass for all open seasons and for all legal gear shall be 1,384,000 pounds of whole fish. At such time as the total harvest of striped bass is projected to reach 1,384,000 pounds, and announced as such, it shall be unlawful for any person to land or possess striped bass caught for commercial purposes. Such cessation of landing and possession of striped bass shall apply to all gears, even in the event some specific gear quotas may not have been reached. At such time as the harvest by any specific gear is projected to reach the total allowable level of commercial striped bass harvest for that gear, as set forth in subsections C, D, E, F, and G of this section, and announced as such, it shall be unlawful for any person to land or possess striped bass caught by that gear.

C. The total allowable level of commercial striped bass harvest by gill net shall be 68.6% of the total allowable sum of pounds of whole fish set forth in subsection B of this section.

D. The total allowable level of commercial striped bass harvest by pound net shall be 24.5% of the total allowable sum of pounds of whole fish set forth in subsection B of this section.

E. The total allowable level of commercial striped bass harvest by haul seine shall be 2.94% of the total allowable sum of pounds of whole fish set forth in subsection B of this section.

F. The total allowable level of commercial striped bass harvest by fyke net shall be 1.96% of the total allowable sum of pounds of whole fish set forth in subsection B of this section.

G. The total allowable level of commercial striped bass harvest by hook and line shall be 2.0% of the total allowable sum of pounds of whole fish set forth in subsection B of this section.

4 VAC-20-252-160. Individual commercial catch limits and tagging.

A. At the place of capture, and as soon as possible after capture, tags shall be passed through the mouth of the fish and one gill opening, and interlocking ends of the tag shall then be connected such that the tag may only be removed by breaking. Failure to comply with these provisions shall be a violation of this chapter.

B. It shall be unlawful to bring to shore any commercially caught striped bass that has not been marked by the fisherman with a tamper evident, numbered tag provided by

Marine Resources Commission

the commission. It shall be unlawful to possess striped bass in a quantity greater than the number of tags in possession.

C. The commission will issue striped bass tags to permitted gill net, haul seine, fyke net and commercial hook and line fishermen prior to the start of the fishing season. Tags will be issued to pound net fishermen three times per year. The number of tags distributed shall be based upon the available poundage quota converted to number of fish from estimates of the gear specific average weight of striped bass harvested during the previous fishing period. Any increases in the commercial harvest quota beyond the 1996 quota shall be distributed such that one-half of the increase is provided to current permit holders and one-half is used to provide permits and tags to persons on the waiting list in accordance with the provision of this chapter.

D. Striped bass tags are valid only for use by the permittee to whom the tags were allotted. It shall be unlawful for any permittee to transfer any tag to another person. The permittee shall be on board the boat or vessel when striped bass are harvested and tags are applied. Nothing in this subsection shall prevent a permitted commercial hook-and-line fisherman from using crew to harvest his allotment of striped bass provided each crew member is a registered commercial fisherman licensed for use of commercial hook-and-line. The commissioner, when exceptional circumstances exist, may authorize in writing, the temporary transfer of tags from a permittee to another permittee.

E. Altering or attempting to alter any tag for the purpose of reuse shall constitute a violation of this chapter.

F. Any tags issued and not used shall be returned to the commission by the permittee within 15 days after the close of the commercial fishery for the year.

4 VAC-20-252-170. Aquaculture of striped bass; permit required.

A. It shall be unlawful for any person to operate a striped bass aquaculture facility without first obtaining a permit from the commission. Such permit shall authorize and define the limits of activities concerning the purchase, possession, sale, giving, receiving, and transportation of striped bass or hybrid striped bass in accordance with the other rules contained in this chapter.

B. The application for a striped bass aquaculture facility shall state the name and address of the applicant, the type and location of the facility, type of water supply, location of nearest tidal waters or tributaries to tidal water, and an estimate of production capacity. All aquaculture permits shall expire on December 31 of the year of issue and are not transferable. Permits shall be automatically renewed by the commission provided no structural changes in the facility have been made, the facility has been adequately maintained, and the permittee has complied with all of the provisions of this chapter.

C. The original of each permit shall be maintained and prominently displayed at the aquaculture facility described therein. A copy of such permit may be used as evidence of authorization to transport striped bass or hybrid striped bass

or to sell the fish away from the permitted facility under the conditions imposed in 4 VAC 20-252-210.

4 VAC-20-252-180. Water supply; outfall; prevention of entry and escapement.

A. A striped bass or hybrid striped bass aquaculture facility may consist of one or more ponds, artificial impoundments, closed recirculating systems or a combination of the above.

B. No pond or impoundment used for striped bass or hybrid striped bass aquaculture may be constructed or situated on a natural water course that originates beyond the boundaries of private land upon which the pond or impoundment is located.

C. There shall be no direct and unscreened discharge from any facility to any natural watercourse. Except as provided in subsection D of this section, outfall from any pond or impoundment shall be processed according to one of the following systems:

1. The outfall shall pass over a dry ground percolation system in which ground absorption of the water is sufficient to prevent the formation of a watercourse which is capable of reaching any natural watercourse. The outfall shall pass through a screened filter box prior to entering the percolation area.

2. The outfall shall pass through a chlorination process and retention pond for dechlorination. The outfall shall pass through a filter box prior to entering the chlorination system.

3. Such facilities must also comply with regulations of the State Water Control Board.

D. If the outfall from an aquaculture facility does not conform to the systems described in subdivision C 1 or C 2 of this section, then all of the following conditions shall be required:

1. The aquaculture of striped bass or hybrid striped bass shall be restricted to the use of cage culture. Such cages shall be constructed of a vinyl coated wire or high density polyethylene mesh material sufficient in size to retain the fish, and all cages must be securely anchored to prevent capsizing. Covers shall be required on all cages.

2. The outfall from the pond or impoundment shall pass through a screened filter box. Such filter box shall be constructed of a mesh material sufficient in size to retain the fish and shall be maintained free of debris and in workable condition at all times.

3. The outfall from the screened filter box shall pass into a containment basin lined and filled with quarry rock or other suitable material to prevent the escapement of the fish from the basin.

E. Those facilities utilizing embankment ponds shall maintain sufficient freeboard above the spillway to prevent overflow.

4 VAC-20-252-190. Acquisition of fish, fingerlings, fry, and eggs.

Striped bass or hybrid striped bass fingerlings, fry, or eggs, may be obtained only from state permitted fish dealers and must be certified by the seller as having a disease free status. Each purchase or acquisition of striped bass or hybrid striped bass must be accompanied by a receipt or other written evidence showing the date, source, species, quantity of the acquisition and its destination. Such receipt must be in the possession of the permittee prior to transportation of such fish, fingerlings, fry, or eggs to the permitted facility. All such receipts shall be retained as part of the permittee's records. The harvesting of striped bass from the tidal waters of Virginia for the purpose of artificially spawning in a permitted aquaculture facility shall comply with all of the provisions of this chapter and state law including minimum size limits, maximum size limits, and closed harvesting seasons and areas.

4 VAC-20-252-200. Inspection of facilities; diseased fish.

A. Inspections. Agents of the commission and the Department of Game and Inland Fisheries are authorized to make periodic inspection of the facilities and the stock of each operation permitted under this section. Every person engaged in the business of striped bass aquaculture shall allow such inspection at any reasonable time.

B. Diseased fish. No person permitted under this chapter shall maintain in the permitted facility any fish which shows evidence of any contagious disease listed in the most current list by the United States Fish and Wildlife Service as "certifiable diseases," except for the period required for application of standard treatment procedures or for approved disposition.

C. Disposition. No person permitted under this chapter shall sell or otherwise transfer possession of any striped bass or hybrid striped bass which shows evidence of a "certifiable disease" to any person, except that such transfer may be made to a fish pathologist for examination and diagnosis.

4 VAC-20-252-210. Sale, records, importation, release.

A. All striped bass or hybrid striped bass except fingerlings, fry, and eggs, which are the product of an aquaculture facility permitted under this section shall be packaged with a printed label bearing the name, address, and permit number of the aquaculture facility. When so packaged and labeled such fish may be transported and sold at retail or at wholesale for commercial distribution through normal channels of trade until reaching the ultimate consumer. Every such sale must be accompanied by a receipt showing the date of sale, the name, address and permit number of the aquaculture facility, the numbers and species of fish sold, and the name of the purchaser. Each subsequent resale must be accompanied by a receipt clearly identifying the seller by name and address, showing the number and species of the fish sold, the date sold, the permit number of the aquaculture facility and, if the sale is to other than the ultimate consumer, the name and address of the purchaser. The purchaser in possession of such fish must exhibit the receipt on demand of any law enforcement officer. A duplicate copy of each such receipt must be retained for

one year by the seller as part of the records of each transaction.

B. Each permitted aquaculture facility operator shall maintain a chronological file of the receipts or copies thereof showing the dates and sources of acquisitions of striped bass or hybrid striped bass and quantities thereof, and a chronological file of copies of receipts of his sales required under subsection A of this section. Such records shall be segregated as to each permit year, shall be made available for inspection by any authorized agent of the commission or Department of Game and Inland Fisheries, and shall be retained for at least one year following the close of the permit year to which they pertain.

C. Striped bass or hybrid striped bass which are the product of an approved and state permitted aquaculture facility in another state may be imported into Virginia for the consumer market. Such fish shall be packaged and labeled in accordance with the provisions contained in subsection A of this section. Any sale of such fish also shall be accompanied by receipts as described in subsection A of this section.

D. Release of live fish. Under no circumstance shall striped bass which are the product of an aquaculture facility located within or outside the Commonwealth of Virginia be placed into the waters of the Commonwealth without first having notified the commission and having received written permission from the Commissioner of Marine Resources.

4 VAC-20-252-220. Penalty.

As set forth in § 28.2-903 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this chapter committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

4 VAC-20-252-230. Sanctions.

A. Any person failing to submit any report required by this chapter shall be denied a striped bass permit for the following year.

B. Any person found guilty of violating any provision of this chapter may have his permit or license revoked at any time upon review by the commission as provided for in § 28.2-232 of the Code of Virginia. If the commission revokes any person's permit for an aquaculture facility, then that person shall not be eligible to apply for a like permit for a period of two years from the date of revocation.

/s/ William A. Pruitt
Commissioner

V.A.R. Doc. No. R97-182; Filed December 6, 1996, 3:11 p.m.

Marine Resources Commission

Title of Regulation: 4 VAC 20-751-10 et seq. Pertaining to the Setting and Mesh Size of Gill Nets (amending 4 VAC 20-751-10 and 4 VAC 20-751-20).

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: January 1, 1997.

Preamble:

This regulation prohibits the setting of any gill net with a stretched-mesh size between 3-¾ inches and six inches within western Chesapeake Bay tributaries of Virginia from January 1 through March 14 of each year. This regulation also prohibits the setting of any gill net with a stretched mesh size greater than six inches within western Chesapeake Bay tributaries of Virginia from March 15 through June 15 of any year.

This regulation is promulgated pursuant to authority contained in § 28.2-201 of the Code of Virginia. This action amends 4 VAC 20-751-10 et seq., which was adopted March 28, 1995, and was effective April 14, 1995. The effective date of these amendments is January 1, 1997.

Agency Contact: Copies of the regulation may be obtained from Deborah R. Cawthon, Marine Resources Commission, Regulatory Coordinator, P.O. Box 756, Newport News, VA 23607, telephone (804) 757-247-2248.

4 VAC 20-751-10. Purpose.

The purpose of this chapter is to reduce the out-of-season by-catch of American shad and to preclude the harvest of coastal migratory striped bass, thereby reducing injuries and mortalities to these two species.

4 VAC 20-751-20. Gill net mesh sizes, restricted areas, and season.

From January 1 through ~~April 15~~ March 14 of each year, it shall be unlawful for any person to place, set, or fish any gill net with a stretched mesh size between 3-¾ inches and 8 six inches within the restricted areas as set forth below: . In addition, from March 15 through June 15 of each year, it shall be unlawful for any person to place, set, or fish any gill net with a stretched mesh size greater than six inches within the restricted areas set forth below:

1. In James River, those tidal waters upstream of a line connecting Willoughby Spit and Old Point Comfort;
2. In Back River, those tidal waters upstream of a line connecting Factory Point and Plumtree Point;
3. In Poquoson River, those tidal waters upstream of a line connecting Marsh Point and Tue Point;
4. In York River, those tidal waters upstream of a line connecting Tue Point and Guinea Marshes;
5. In Mobjack Bay, those tidal waters upstream of a line connecting Guinea Marshes and New Point Comfort;
6. In Milford Haven, those tidal waters upstream of a line connecting Rigby Island and Sandy Point;

7. In Piankatank River, those tidal waters upstream of a line connecting Cherry Point and Stingray Point; and

8. In Rappahannock River, those tidal waters upstream of a line connecting Stingray Point to Windmill Point.

/s/ William A. Pruitt
Commissioner

VA.R. Doc. No. R97-183; Filed December 9, 1996, 3:15 p.m.

RISK ASSESSMENT INFORMATION

Status of Mine Active Active non-producing Inactive Reclamation Only

Number of employees per shift:

Surface	_____1	_____2	_____3	_____Total
Underground	_____1	_____2	_____3	_____Total

Seam	Thickness	Distance in feet to nearest inhabited building
------	-----------	--

Mining Method (Longwall, Continuous, Highwall, etc.): _____

Specific Mine Location (State Route, Stream, etc.): _____

Latitude: _____ Longitude: _____

Yes No There are active or abandoned oil wells, gas wells, or vertical ventilation holes on property to be mined.

Yes No The company has its own safety department/training facility.

Yes No Mining will be beneath the water table.

Yes No Mining will be near old works.

Yes No Mining under unpounded water.

Previous Mining Companies operated by Applicant in the Past Three Years:

1. _____

2. _____

3. _____

If this mine was last licensed under another name, the former name of the company, mine number, and mine index number: _____

Attach Additional Sheets if necessary to provide information required by this form.

I certify that the information provided in this application and required attachments are true, complete, and accurate.

Signature and Title

I am the Agent Corporate Officer Partner Sole Proprietor

Note: The operator must notify DMME within 30 days after any change in the information required by Section 45-1-161.59A of the Code of Virginia.

Department of Mines, Minerals and Energy, Division of Mines
PO Drawer 900, Blue Stone Gap, VA 24219
(540)523-8100 / Fax (540)523-8239

Office Use Only:	Mine Index No. _____	Inspector Code: _____
------------------	----------------------	-----------------------

DMME Form DM-CM-1 Page 2 of 2 Revised 9/96

Title of Regulation: 4 VAC 25-130-10 et seq. Coal Surface Mining Reclamation Regulations.

License for Performance--Acid Mine Drainage Investigations and Monitoring (Abandoned Mine Land Program), DMLR-AML-175c, 11/96.

COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF MINES, MINERALS AND ENERGY
 DIVISION OF MINED LAND RECLAMATION
 P. O. DRAWER 900, BIG STONE GAP, VA 24219
 TELEPHONE (540) 523-8706



**LICENSE FOR PERFORMANCE
 ACID MINE DRAINAGE INVESTIGATIONS AND MONITORING**
 (Abandoned Mine Land Program)

Project:	
Owner of Record	Acreage
Magisterial District	Property Interest*
City/County	Deed Book No.
Quadrangle	Page(s)

The owner of record of the aforementioned property, (herein referred to as "Property"), heirs, successors and assignees (hereinafter collectively referred to as "Owner") hereby: (1) warrants to the Department of Mines, Minerals and Energy, Division of Mined Land Reclamation (hereinafter referred to as "Division"), that Owner has the full power, right and authority to grant this license; and (2) grants to the Division, its agents, employees, and/or contractors, a license to enter upon the Property at the Division's own risk, cost and expense, for the purpose of conducting such studies in furtherance of the Division's hydrologic investigations as the Division may determine necessary, including but not limited to drilling and installation of monitoring wells, piezometers, stream weirs and other related monitoring devices to obtain geologic and hydrologic information and samples (herein referred to as "Activity").

This license includes the right to enter and to leave the Property and the right to transport such equipment across and upon the Property as the Division may deem necessary to perform the Activity. The term of this consent, which termination in no event will be later than five years from the date hereof, will be for the duration of the Project.

The Owner reserves the right to observe the Activity unless it is determined by the Division, in its sole discretion, that it would be unsafe to do so. At the discretion of the Division, other persons may be excluded from any portion of the Property upon which the Activity is being conducted if conditions are unsafe.

All equipment and tools placed upon or within the Property by the Division will remain the property of the Division and may be removed by it at any time. The Division will have the right to publish or release in any form the results of the Activity.

Nothing contained herein will be deemed to be an expressed or implied waiver of the sovereign immunity of the Commonwealth or its duly authorized representatives, agents and/or employees.

* Property Interest: Surface only, Mineral only, Lessee, or Fee.

As consideration for the granting of this License, the Division agrees that the following provisions are to be a part hereof:

1. All Activity conducted and/or authorized by the Division on the Property will be at the expense of the Division.
2. The entry upon the Property by the Division, its agents, employees and/or contractors is for the convenience and purposes of the Division and is not upon any business with or for the Owner.
3. The Division acknowledges that while the Activity is being conducted on the Property, the Owner will not be excluded from carrying on his normal activities, including the movement of machinery and equipment.
4. The Division agrees that it will require its contractors, subcontractors, or both, who enter upon the Property to perform the Activity, to maintain insurance coverage to protect the Owner and the Division from liability for negligent acts or omissions on the part of said contractor, subcontractor, or both, as is required under the Division's contract for the Activity, and upon request by the Owner, the Division will furnish evidence of such insurance to the Owner.
5. The Division will, at its expense, substantially restore the Property to its condition prior to changes made by the Division, its agents, contractors or representatives unless the Division and the Owner agree otherwise.
6. The Division agrees to provide without cost, if requested by the Owner, a copy of the final study results and reports as submitted to the Division by the Division's contractor(s).
7. This Agreement shall be binding upon and shall inure to the benefit of the heirs, successors and assigns of the parties.

WITNESS the following signatures on this _____ day of _____, 19 _____

By: _____

 Authorized Agent/Owner

By: _____

 Abandoned Mine Land Manager
 Department of Mines, Minerals and Energy
 Division of Mined Land Reclamation

Witness: _____
 Date: _____

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

VA.R. Doc. No. R97-186; Filed December 9, 1996, 11:02 a.m.

BOARD FOR CONTRACTORS

Title of Regulation: 18 VAC 50-30-10 et seq. Tradesman Certification Program Regulations.

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. This regulation is mandated by legislation enacted in 1994. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, I have no objection to the proposed regulation based on the information and public comment currently available.

/s/ George Allen
Governor
Date: November 22, 1996

VA.R. Doc. No. R97-184; Filed December 9, 1996, 11:03 a.m.

Title of Regulation: 13 VAC 5-50-10 et seq. Virginia Statewide Fire Prevention Code (REPEALING).

Title of Regulation: 13 VAC 5-51-10 et seq. Virginia Statewide Fire Prevention Code.

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, I have no objection to the proposed regulation based on the information and public comment currently available.

/s/ George Allen
Governor
Date: November 22, 1996

VA.R. Doc. No. R97-187; Filed December 9, 1996, 11:02 a.m.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

Title of Regulation: 13 VAC 5-20-10 et seq. Virginia Certification Standards (REPEALING).

Title of Regulation: 13 VAC 5-21-10 et seq. Virginia Certification Standards.

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, I have no objection to the proposed regulation based on the information and public comment currently available.

/s/ George Allen
Governor
Date: November 22, 1996

VA.R. Doc. No. R97-185; Filed December 9, 1996, 11:02 a.m.

Title of Regulation: 13 VAC 5-30-10 et seq. Virginia Amusement Device Regulations (REPEALING).

Title of Regulation: 13 VAC 5-31-10 et seq. Virginia Amusement Device Regulations.

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, I have no objection to the proposed regulation based on the information and public comment currently available.

/s/ George Allen
Governor
Date: November 22, 1996

Title of Regulation: 13 VAC 5-60-10 et seq. Virginia Uniform Statewide Building Code, Volume I - New Construction Code/1993 (REPEALING).

Title of Regulation: 13 VAC 5-70-10 et seq. Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code/1993 (REPEALING).

Title of Regulation: 13 VAC 5-61-10 et seq. Virginia Uniform Statewide Building Code.

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, I have no objection to the proposed regulation based on the information and public comment currently available.

/s/ George Allen
Governor
Date: November 22, 1996

VA.R. Doc. No. R97-188; Filed December 9, 1996, 11:02 a.m.

Title of Regulation: 13 VAC 5-90-10 et seq. Virginia Industrialized Building and Manufactured Home Safety Regulations (REPEALING).

Title of Regulation: 13 VAC 5-91-10 et seq. Virginia Industrialized Building Safety Regulations.

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption

period, I have no objection to the proposed regulation based on the information and public comment currently available.

/s/ George Allen
Governor
Date: November 22, 1996

VA.R. Doc. No. R97-189; Filed December 9, 1996, 11:02 a.m.

Title of Regulation: 13 VAC 5-95-10 et seq. Virginia
Manufactured Home Safety Regulations.

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, I have no objection to the proposed regulation based on the information and public comment currently available.

/s/ George Allen
Governor
Date: November 22, 1996

VA.R. Doc. No. R97-190; Filed December 9, 1996, 11:02 a.m.

**BOARD OF PROFESSIONAL COUNSELORS AND
MARRIAGE AND FAMILY THERAPISTS**

Title of Regulation: 18 VAC 115-40-10 et seq. Regulations
Governing the Certification of Rehabilitation Providers.

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, I have no objection to the proposed regulation based on the information and public comment currently available.

/s/ George Allen
Governor
Date: November 22, 1996

VA.R. Doc. No. R97-191; Filed December 9, 1996, 11:03 a.m.

GENERAL NOTICES/ERRATA

Symbol Key

† Indicates entries since last publication of the *Virginia Register*

DEPARTMENT OF ENVIRONMENTAL QUALITY

Virginia Coastal Resources Management Program

† Notice to the Public Regarding Coastal Needs Assessment and Strategy

The Coastal Program is updating its Coastal Needs Assessment and Strategy under Section 309 of the Coastal Zone Management Act. Section 309 is a voluntary coastal zone enhancement grants program which encourages states to develop program changes in one or more of nine coastal zone enhancement areas, including wetlands, public access, coastal hazards, cumulative and secondary impacts, energy and government facility siting, marine debris, ocean resources, special area management plans and aquaculture. The Coastal Needs Assessment and Strategy will evaluate the Commonwealth of Virginia's priority needs for improvement in the above areas, and develop a strategy for addressing these top priority needs. A Draft Assessment and Strategy Outline is available for review. For copies of this draft outline, or to submit written comments, please write Laura McKay, Virginia Coastal Program, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219, or call (804) 698-4320. Comments must be received by January 21, 1997.

DEPARTMENT OF SOCIAL SERVICES

† Notice of Public Comment Period

Pursuant to Public Law 104-193, Virginia has filed its State Plan for its Temporary Assistance for Needy Families program with the United States Department of Health and Human Services. The State Plan will become effective following a 45-day comment period beginning on December 6, 1996.

A public hearing on the TANF State Plan will be conducted by the Virginia State Board of Social Services on January 17, 1997. It will take place at 2 p.m. at the University of Virginia, Minor Hall, Room 125, Charlottesville, Virginia 22903. Parking is available at the Newcomb Hall Bookstore. The public is invited to attend and to comment.

Written comment may be submitted through January 20, 1997, to:

Clarence H. Carter, Commissioner
Department of Social Services
Theater Row Building
730 East Broad Street
Richmond, Virginia 23219
ATTENTION: TANF STATE PLAN COORDINATOR

Copies of the TANF State Plan may be obtained from the Department of Social Services by calling Karen Williamson at (804)692-2422 or by writing to Ms. Williamson at: Department of Social Services, Theater Row Building, 730 East Broad Street, Richmond, Virginia 23219.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Our mailing address is: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219. You may FAX in your notice; however, we ask that you FAX two copies and do not follow up with a mailed copy. Our FAX number is: (804) 692-0625.

Forms for Filing Material on Dates for Publication in *The Virginia Register of Regulations*

All agencies are required to use the appropriate forms when furnishing material and dates for publication in *The Virginia Register of Regulations*. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

FORMS:

NOTICE of INTENDED REGULATORY ACTION - RR01
NOTICE of COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE of MEETING - RR06
AGENCY RESPONSE TO LEGISLATIVE OBJECTIONS - RR08

CALENDAR OF EVENTS

Symbol Key

- † Indicates entries since last publication of the *Virginia Register*
♿ Location accessible to handicapped
☎ Telecommunications Device for Deaf (TDD)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

VIRGINIA CODE COMMISSION

EXECUTIVE

4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TDD ☎

BOARD FOR ACCOUNTANCY

January 6, 1997 - 10 a.m. -- Open Meeting
Germanna Community College, 2130 Germanna Highway, Room 100, Locust Grove, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the board's Executive Committee to discuss (i) RFP Specifications (Executive Session); (ii) Regulatory Review Committee report; (iii) 1997 legislation preparation; and (iv) other business needing action by the committee. This is a work session for the committee which consists of two board members and staff. All meetings are subject to cancellation. Call the board office 24 hours in advance of the scheduled meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Board for Accountancy, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TDD ☎

January 21, 1997 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review, committee reports, disciplinary cases, and other matters requiring board action. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Board for Accountancy, 3600 W. Broad St., Richmond, VA 23230-

GOVERNOR'S ADVISORY BOARD ON AGING

January 20, 1997 - 6 p.m. -- Open Meeting
January 21, 1997 - 8 a.m. -- Open Meeting
Department for the Aging, 700 East Franklin Street, 10th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to conduct board business.

Contact: Kimlah Hyatt, Staff to the Board, Department for the Aging, 700 E. Franklin St., 10th Floor, Richmond, VA 23219-2327, telephone (804) 225-2801, FAX (804) 371-8381, toll-free 1-800-552-3402, or (804) 225-2271/TDD ☎

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia Horse Industry Board

† **February 4, 1997 - 10 a.m.** -- Open Meeting
Virginia Cooperative Extension, Charlottesville-Albemarle Unit, 168 Spotnap Road, Lower Level Meeting Room, Charlottesville, Virginia. ♿

A meeting to review the budget for the current fiscal year, review equine health issues as presented by the State Veterinarian's Office, and consider marketing efforts, plans and projects. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Andrea S. Heid at least five days before the meeting date so that suitable arrangements can be made.

Contact: Andrea S. Heid, Equine Marketing Specialist, Department of Agriculture and Consumer Services, 1100 Bank St., Richmond, VA 23219, telephone (804) 786-5842.

Calendar of Events

Pesticide Control Board

January 15, 1997 - 1 p.m. -- Open Meeting
January 16, 1997 - 9 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, Board Room, Room 204, Richmond, Virginia. ☎

Committee meetings and a general business meeting. Portions of the meetings may be held in closed session pursuant to § 2.1-344 of the Code of Virginia. The public will have an opportunity to comment on any matter not on the board's agenda beginning at 1 p.m. on January 15. Any person who needs any accommodations in order to participate at the meeting should contact Dr. Marvin A. Lawson at least 10 days before the meeting date so that suitable arrangements can be made.

Contact: Dr. Marvin A. Lawson, Program Manager, Office of Pesticide Services, Department of Agriculture and Consumer Services, 1100 Bank St., Room 401, P.O. Box 1163, Richmond, VA 23218, telephone (804) 371-6558.

Virginia Plant Pollination Advisory Board

February 7, 1997 - 10 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, 4th Floor Conference Room, Richmond, Virginia. ☎

A regular meeting to receive reports from members on the past year's activity in their respective disciplines at it relates to apiculture, pollination, education, and the production of food and fiber in the Commonwealth, and to consider matters for the future in the aforementioned categories. At the conclusion of this business, the board will entertain public comments for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact the agency at least five days before the meeting date so that suitable arrangements can be made.

Contact: Robert G. Wellemeyer, Secretary-Treasurer, Department of Agriculture and Consumer Services, 234 West Shirley Ave., Warrenton, VA 22186, telephone (540) 347-6380, FAX (540) 347-6384, or (804) 371-6344/TDD ☎

Virginia Winegrowers Advisory Board

† **January 21, 1997 - 10 a.m.** -- Open Meeting
The Boar's Head Inn, 200 Ednam Drive, Charlottesville, Virginia. ☎

A regular quarterly meeting to include committee and treasurer's reports. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Mary E. Davis-Barton at least 10 days before the meeting date so that suitable arrangements can be made.

Contact: Mary E. Davis-Barton, Secretary, Virginia Winegrowers Advisory Board, 1100 Bank St., Room 1010, Richmond, VA 23219, telephone (804) 371-7685.

STATE AIR POLLUTION CONTROL BOARD

January 8, 1997 - 10 a.m. -- Open Meeting
Location to be determined.

A regular meeting.

Contact: Cindy M. Berndt, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378.

ALCOHOLIC BEVERAGE CONTROL BOARD

† **January 6, 1997 - 9:30 a.m.** -- Open Meeting
† **January 23, 1997 - 9:30 a.m.** -- Open Meeting
† **February 3, 1997 - 9:30 a.m.** -- Open Meeting
† **February 20, 1997 - 9:30 a.m.** -- Open Meeting
† **March 3, 1997 - 9:30 a.m.** -- Open Meeting
† **March 17, 1997 - 9:30 a.m.** -- Open Meeting
† **March 31, 1997 - 9:30 a.m.** -- Open Meeting
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. ☎

A meeting to receive and discuss reports from and activities of staff members.

Contact: W. Curtis Coleburn, Secretary to the Board, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 367-0712 or FAX (804) 367-1802.

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS

Board for Land Surveyors

† **January 16, 1997 - 9 a.m.** -- Closed Meeting
† **January 17, 1997 - 9 a.m.** -- Closed Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A meeting of the Land Surveyor Section and invited subject matters experts to write and review examination questions for the Virginia Land Surveyor A and B examinations. This examination workshop is not open to the public.

Contact: George O. Bridewell, Examination Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8572 or (804) 367-9743/TDD ☎

COMPREHENSIVE SERVICES ACT FOR AT RISK YOUTH AND THEIR FAMILIES

State Management Team

† January 21, 1987 - 10 a.m. -- Open Meeting
St. Joseph's Villa, 8000 Brook Road, Richmond, Virginia. ☞
(Interpreter for the deaf provided upon request)

A meeting to discuss and recommend policy and procedure to the State Executive Council. Please contact Pamela Fitzgerald Cooper or Gloria Jarrell to be added to the agenda.

Contact: Gloria Jarrell or Pamela Fitzgerald Cooper, Secretary, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, 109 Governor St., Richmond, VA 23219, telephone (804) 371-2177 or FAX (804) 371-0091.

AUCTIONEERS BOARD

January 10, 1997 - 10 a.m. -- Open Meeting
Omni Hotel, 100 South 12th Street, Richmond, Virginia. ☞

A meeting to conduct general board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☞

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

February 20, 1997 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Richmond, Virginia. ☞

A general board meeting. Public comments will be received for 15 minutes at the beginning of the meeting.

Contact: Senita Booker, Program Support Technician Senior, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7390, FAX (804) 662-9943 or (804) 662-7197/TDD ☞

Legislative/Regulatory Committee

January 31, 1997 - 10 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Richmond, Virginia. ☞

A meeting to discuss proposed regulations of the board. No public comment will be received.

Contact: Senita Booker, Program Support Technician Senior, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7390, FAX (804) 662-9943 or (804) 662-7197/TDD ☞

BOARD FOR BARBERS

January 6, 1997 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ☞

A general business meeting of the Legislative Committee. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least two weeks prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8509, FAX (804) 367-2475 or (804) 367-9753/TDD ☞

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

Northern Area Review Committee

January 14, 1997 - 10 a.m. -- Open Meeting
February 11, 1997 - 10 a.m. -- Open Meeting
Chesapeake Bay Local Assistance Department, 805 East
Broad Street, Suite 701, Richmond, Virginia. ☞ (Interpreter for
the deaf provided upon request)

A meeting to review Chesapeake Bay Preservation Area programs for the Northern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the meeting; however, written comments are welcome.

Contact: Carolyn J. Elliott, Executive Secretary, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447 or toll-free 1-800-243-7229/TDD ☞

Southern Area Review Committee

January 14, 1997 - 2 p.m. -- Open Meeting
February 11, 1997 - 2 p.m. -- Open Meeting
Chesapeake Bay Local Assistance Department, 805 East
Broad Street, Suite 701, Richmond, Virginia. ☞ (Interpreter for
the deaf provided upon request)

A meeting to review Chesapeake Bay Preservation Area programs for the Southern Area. Persons interested in

Calendar of Events

observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the meeting; however, written comments are welcome.

Contact: Carolyn J. Elliott, Executive Secretary, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447 or toll-free 1-800-243-7229/TDD ☎

CHILD DAY-CARE COUNCIL

† **January 9, 1997 - 10 a.m.** -- Open Meeting
Theater Row Building, 730 East Broad Street, Lower Level, Conference Room 1, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The council will meet to discuss issues and concerns that impact child day centers, camps, school age programs, and preschool/nursery schools. Public comment will be received at noon. Please call ahead of time for possible changes in meeting time.

Contact: Rhonda Harrell, Division of Licensing Programs, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1775.

STATE CHILD FATALITY REVIEW TEAM

January 22, 1997 - 10 a.m. -- Open Meeting
State Corporation Commission, Tyler Building, 1300 East Main Street, 3rd Floor Conference Room, Richmond, Virginia. ☎

A meeting to (i) discuss the status of ongoing studies; (ii) review data collection and analysis issues; and (iii) update the team on any new legislative or administrative matters. The second part of this meeting will be closed for specific case discussion.

Contact: Suzanne J. Keller, Coordinator, 9 N. 14th St., Richmond, VA 23219, telephone (804) 786-1048, FAX (804) 371-8595, or toll-free 1-800-447-1706.

COMMONWEALTH COMPETITION COUNCIL

January 6, 1997 - 10 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, 3rd Floor West Conference Room, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Peggy Robertson, Staff, Commonwealth Competition Council, James Monroe Bldg., 101 N. 14th St., 5th Floor, Richmond, VA 23219, telephone (804) 786-0240 or FAX (804) 786-1594.

STATE BOARD FOR COMMUNITY COLLEGES

† **January 8, 1997 - 1 p.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia.

State board committee meetings.

Contact: Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, or (804) 371-8504/TDD ☎

† **January 9, 1997 - 8:30 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia.

A regularly scheduled board meeting.

Contact: Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, or (804) 371-8504/TDD ☎

COMPENSATION BOARD

† **January 7, 1997 - 2 p.m.** -- Open Meeting
† **January 30, 1997 - 11 a.m.** -- Open Meeting
† **February 27, 1997 - 11 a.m.** -- Open Meeting
Ninth Street Office Building, 202 North Ninth Street, 9th Floor, Room 913/913A, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A routine business meeting.

Contact: Bruce W. Haynes, Executive Secretary, P.O. Box 710, Richmond, VA 23218-0710, telephone (804) 786-0786, FAX (804) 371-0235, or (804) 786-0786/TDD ☎

DEPARTMENT OF CONSERVATION AND RECREATION

Appomattox Scenic River Advisory Board

January 14, 1997 - 7 p.m. -- Open Meeting
1801 Ramblewood Road, Petersburg, Virginia.

A meeting to discuss river issues.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899 or (804) 786-2121/TDD ☎

Board of Conservation and Recreation

† **January 29, 1997 - 10:30 a.m.** -- Open Meeting
Department of Conservation and Recreation, 203 Governor Street, Room 200, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A general business meeting to receive an update on the status of the Stormwater Management Regulations regulatory action.

Contact: Leon E. App, Conservation and Development Programs Supervisor, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-4570, FAX (804) 786-6124, or (804) 786-2121/TDD ☎

Virginia Cave Board

January 11, 1997 - 1 p.m. -- Open Meeting
Radford University, Porterfield Hall, Room 180, Radford, Virginia.

A regularly scheduled meeting. A variety of issues relating to cave and karst conservation will be discussed. No public comment period has been set aside on the agenda.

Contact: Lawrence R. Smith, Natural Area Protection Manager, Department of Conservation and Recreation, Division of Natural Heritage, 1500 E. Main St., Suite 312, Richmond, VA 23219, telephone (804) 786-7951, FAX (804) 371-2674, or (804) 786-2121/TDD ☎

Falls of the James Scenic River Advisory Board

January 9, 1997 - Noon -- Open Meeting
Parks and Recreation Conference Room, City Hall, 900 East Broad Street, 4th Floor, Richmond, Virginia.

February 6, 1997 - Noon -- Open Meeting
Planning Commission Conference Room, City Hall, 900 East Broad Street, 5th Floor, Richmond, Virginia.

A meeting to discuss river issues and programs.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, or (804) 786-2121/TDD ☎

Goose Creek Scenic River Advisory Board

† **January 9, 1997 - 1:30 p.m.** -- Open Meeting
County Administration Building, Lovettsville Room, Lobby Level, Leesburg, Virginia.

A meeting to discuss river issues.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation,

Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, or (804) 786-2121/TDD ☎

Moormans Scenic River Advisory Board

NOTE: CHANGE IN MEETING DATES

† **January 9, 1997 - 1 p.m.** -- Open Meeting
† **February 13, 1997 - 1 p.m.** -- Open Meeting
Albemarle County Office, 401 McIntire Road, Charlottesville, Virginia.

A meeting to discuss river issues.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, or (804) 786-2121/TDD ☎

Rappahannock Scenic River Advisory Board

February 19, 1997 - 6 p.m. -- Open Meeting
Riverview Restaurant, 1101 Sophia Street, Fredericksburg, Virginia.

A meeting to discuss river issues.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, or (804) 786-2121/TDD ☎

BOARD FOR CONTRACTORS

January 7, 1997 - 5 p.m. -- Public Hearing
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Conference Room 4, Richmond, Virginia.

January 30, 1997 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Contractors intends to adopt regulations entitled: **18 VAC 50-30-10 et seq. Tradesman Certification Program Regulations**. The purpose of the proposed regulation is to provide for the certification of tradesmen by establishing fees, entry requirements, standards of practice and conduct, and other administrative procedures.

Statutory Authority: §§ 54.1-201 and 54.1-1102 of the Code of Virginia.

Contact: Steven L. Arthur, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2945.

Calendar of Events

† January 8, 1997 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A regularly scheduled meeting of the board to (i) address policy and procedural issues; (ii) review and render decisions on applications for contractor licenses/certificates; and (iii) review and render case decisions on matured complaints against licensees/certificants. The meeting is open to the public; however, a portion of the board's business may be discussed in executive session. The department fully complies with the Americans with Disabilities Act. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Geralde W. Morgan at the Board for Contractors.

Contact: Geralde W. Morgan, Senior Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785 or (804) 367-9753/TDD ☎

Disciplinary Committee

February 4, 1997 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A meeting to review board member reports and summaries from informal fact-finding conferences held pursuant to the Administrative Process Act, and to review consent order offers in lieu of further disciplinary proceedings. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least two weeks prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Michelle Couch, Legal Assistant, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8524.

Recovery Fund Committee

† March 18, 1997 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A meeting to consider claims against the Virginia Contractor Transaction Recovery Fund. This meeting will be open to the public; however, a portion of the discussion may be conducted in executive session. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Holly Erickson at least two weeks prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Holly Erickson, Assistant Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8561.

DEPARTMENT OF CORRECTIONAL EDUCATION

January 17, 1997 - 10 a.m. -- Open Meeting

Department of Correctional Education, James Monroe Building, 101 North 14th Street, 7th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A monthly meeting to discuss general business.

Contact: Patty Ennis, Board Clerk, Department of Correctional Education, James Monroe Bldg., 101 N. 14th St., 7th Floor, Richmond, VA 23219-3678, telephone (804) 225-3314.

BOARD FOR COSMETOLOGY

January 6, 1997 - 10 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Karen W. O'Neal. Please notify the department of your request at least two weeks in advance. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8509, FAX (804) 367-2475 or (804) 367-9753/TDD ☎

CRIMINAL JUSTICE SERVICES BOARD

† January 7, 1997 - 11 a.m. -- Open Meeting

Richmond Policy Training Academy, 1202 West Graham Road, Richmond, Virginia. ☎

A meeting to consider matters related to the board's responsibilities for criminal justice training and improvement of the criminal justice system. Public comments will be heard before adjournment of the meeting.

Contact: Sherri Stader, Assistant to the Director, Department of Criminal Justice Services, 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 786-8718, FAX (804) 371-8981.

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

Advisory Board

† February 5, 1996 - 10 a.m. -- Open Meeting

Department for the Deaf and Hard-of-Hearing, Washington Building, 1100 Bank Street, 11th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A quarterly business meeting of the advisory board. Public comment will be received with advance notice.

Contact: Gloria Cathcart, Human Services Program Specialist, Department for the Deaf and Hard-of-Hearing, Washington Bldg., 1100 Bank St., 11th Floor, Richmond, VA 23219, telephone (804) 371-7892 (V/TTY), toll-free 1-800-552-7917(V/TTY), FAX (804) 371-7882.

BOARD OF DENTISTRY

† **January 23, 1997 - 8 a.m.** -- Open Meeting
† **January 24, 1997 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A panel of the board to conduct formal hearings to hear disciplinary cases. This is a public meeting; however, no public comment will be taken.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA

† **January 24, 1997 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A business meeting to receive committee reports, and review consent orders, minutes, and general requests made to the board. Public comment will be taken for a 20-minute period beginning at 1 p.m..

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TDD

Advertising Committee

† **January 23, 1997 - 3:30 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss minutes of the December 13 meeting, and any recommendations that will be presented at the board meeting on Friday, January 24. This is a public meeting, however, no public comment will be taken.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TDD

Continuing Education Committee

† **January 23, 1997 - 2 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss dental hygiene audits, expanding the continuing education provider list, and disciplinary

issues. This is a public meeting; however, no public comment will be taken.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TDD

Examination Committee

† **January 24, 1997 - 3:30 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss calibration exercises with board members in preparation for the upcoming clinical examinations. This is a public meeting, however, no public comment will be taken.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TDD

Executive Committee

† **January 23, 1997 - 1:30 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss general issues affecting the board. This is a public meeting, however, no public comment will be taken.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TDD

Legislative/Regulatory Committee

† **January 23, 1997 - 3 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss minutes of the November 22 meeting, and any recommendations that will be presented at the board meeting on Friday, January 24. This is a public meeting, however, no public comment will be taken.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TDD

Calendar of Events

VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP

† January 22, 1997 - 10 a.m. -- Open Meeting
Department of Economic Development, 901 East Byrd Street,
9th Floor, Richmond, Virginia. ♿

A meeting of the Board of Directors of the Virginia
Tourism Corporation.

Contact: Judy Bulls, Executive Assistant to the President,
Virginia Economic Development Partnership, 901 E. Byrd St.,
19th Floor, Richmond, VA 23219, telephone (804) 371-8174
or FAX (804) 786-1919.

BOARD OF EDUCATION

January 9, 1997 - 9 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, Richmond,
Virginia. ♿ (Interpreter for the deaf provided upon request)

The Board of Education and the Board of Vocational
Education will hold a regularly scheduled meeting.
Business will be conducted according to items listed on
the agenda. The agenda is available upon request.

Contact: James E. Laws, Jr., Administrative Assistant to the
Superintendent for Board Relations, Department of
Education, P.O. Box 2120, Richmond, VA 23218-2120,
telephone (804) 225-2540 or toll-free 1-800-292-3820.

LOCAL EMERGENCY PLANNING COMMITTEE - COUNTY OF MONTGOMERY/TOWN OF BLACKSBURG

† January 8, 1997 - 3 p.m. -- Open Meeting
American Red Cross-Montgomery Chapter, 16 East Main
Street, Training Annex, Conference Room, Christiansburg,
Virginia. ♿

A meeting to focus on updating the emergency plan
document and to elect officers for the upcoming year.

Contact: Patrick Burton, Regional Planner, New River Valley
Planning District Commission, P.O. Box 3726, Radford, VA
24143, telephone (540) 639-9313.

DEPARTMENT OF ENVIRONMENTAL QUALITY

January 7, 1997 - 7 p.m. -- Public Hearing
Town Council Chambers, 502 Vancey Street, South Boston,
Virginia.

A public hearing to receive comments on the proposed
major modification on the Resource Conservation and
Recovery Act (RCRA) Post-Closure for Teledyne Allvac
located in South Boston.

Contact: Richard Criqui, Office of Permitting Management,
Department of Environmental Quality, P.O. Box 10009,
Richmond, VA 23240, telephone (804) 698-4013.

Virginia Ground Water Protection Steering Committee

January 21, 1997 - 9 a.m. -- Open Meeting
State Corporation Commission, Tyler Building, 1300 East
Main Street, 8th Floor Conference Room, Richmond,
Virginia. ♿

A meeting concerning ground water protection issues.
All interested persons are welcome to attend. Meeting
minutes and agenda are available from Mary Ann
Massie.

Contact: Mary Ann Massie, Environmental Program Planner,
Department of Environmental Quality, P. O. Box 10009,
Richmond, VA 23240-0009, telephone (804) 698-4042 or
FAX (804) 698-4032.

VIRGINIA FIRE SERVICES BOARD

† January 23, 1997 - 10 a.m. -- Public Hearing
Department of Fire Programs, James Monroe Building, 101
North 14th Street, 18th Floor, Richmond, Virginia.

A public hearing to discuss (i) the contract package, (ii)
financial considerations, and (iii) the use of
considerations for the burn buildings.

Contact: Bobby L. Stanley, Jr., Executive Director,
Department of Fire Programs, Monroe Bldg., 101 N. 14th St.,
18th Floor, Richmond, VA 23219, telephone (804) 371-0220.

BOARD OF FORESTRY

† January 9, 1997 - 9:30 a.m. -- Open Meeting
Marriott Hotel, 500 East Broad Street, Richmond, Virginia. ♿
(Interpreter for the deaf provided upon request)

A meeting to conduct general business. Any person
requiring an interpreter for the deaf should notify the
department at least five days prior to the meeting.

Contact: Barbara A. Worrell, Administrative Staff Specialist,
P.O. Box 3758, Charlottesville, VA 22903-0758, telephone
(804) 977-6555/TDD ♿

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

January 9, 1997 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
Richmond, Virginia. ♿

A general board meeting. Public comments will be
received for 15 minutes at the beginning of the meeting.
Formal hearings will follow.

Contact: Elizabeth Young Kirksey, Executive Director, Board
of Funeral Directors and Embalmers, 6606 W. Broad St., 4th
Floor, Richmond, VA 23230-1717, telephone (804) 662-9907,
FAX (804) 662-9943, or (804) 662-7197/TDD ♿

BOARD OF GAME AND INLAND FISHERIES

January 9, 1997 - 9 a.m. -- Open Meeting
January 10, 1997 - 9 a.m. -- Open Meeting
Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss general and administrative issues. The board may hold an executive session beginning at 9 a.m., on January 9. If the board completes its entire agenda on January 9, it may not convene on January 10.

Contact: Phil Smith, Policy Analyst Senior, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-8341 or FAX (804) 367-2427.

DEPARTMENT OF GENERAL SERVICES

Design/Build Construction Management Review Board

January 17, 1997 - 10 a.m. -- Open Meeting
February 21, 1997 - 10 a.m. -- Open Meeting
Department of General Services, 805 East Broad Street, Room 116, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the board to conduct general business and review any submissions by local governing bodies for proposed use of design/build construction management for specific construction projects. The board meets the third Friday of each month.

Contact: Nathan I. Broocke, Director, Division of Engineering and Buildings, Department of General Services, 805 E. Broad St., Room 101, Richmond, VA 23219, telephone (804) 786-3263 or (804) 786-6152/TDD

STATE HAZARDOUS MATERIALS TRAINING ADVISORY COMMITTEE

January 11, 1997 - 10 a.m. -- Open Meeting
Department of Emergency Services, 310 Turner Road, Training Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss curriculum course development and review existing hazardous materials courses. Individuals with a disability, as defined in the Americans with Disabilities Act of 1990, desiring to attend the meeting should contact the Department of Emergency Services 10 days prior to the meeting so appropriate accommodations can be made.

Contact: George B. Gotschalk, Jr., Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-6001.

BOARD OF HEALTH PROFESSIONS

† January 14, 1997 - 1 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to receive an update on legislation and on the Joint Commission on Health Care's Study on Managed Care, and other committee reports. Brief public comment will be received at the beginning of the meeting.

Contact: Robert A. Nebiker, Executive Director, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9919 or (804) 662-7197/TDD

Compliance and Discipline Committee

† January 14, 1997 - Following 1 p.m. Board Meeting -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to review the work plan for study into the need for conducting routine criminal background checks. Brief public comment will be received at the beginning of the meeting.

Contact: Robert A. Nebiker, Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9919 or (804) 662-7197/TDD

Practitioner Self-Referral Committee

† January 14, 1997 - Noon -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct general business. Brief public comment will be received at the beginning of the meeting.

Contact: Robert A. Nebiker, Executive Director, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9919 or (804) 662-7197/TDD

Regulatory Research Committee

† January 14, 1997 - 10 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to receive an update on counseling-related professions study. Public comment will be received at the beginning of the meeting.

Calendar of Events

Contact: Robert A. Nebiker, Executive Director, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9919 or (804) 662-7197/TDD ☎

BOARD FOR HEARING AID SPECIALISTS

January 13, 1997 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 3, Richmond, Virginia. ☎

A routine business meeting. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact David Dick at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-2475 or (804) 367-9753/TDD ☎

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† **January 9, 1997 - 9 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 9th Floor, Council Conference Room, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A general business meeting.

Contact: Michael McDowell, Public Information Director, State Council of Higher Education, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2637 or FAX (804) 786-0572.

† **January 9, 1997 - Noon** -- Open Meeting
James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A joint meeting of the council and the Board for Community Colleges.

Contact: Michael McDowell, Public Information Director, State Council of Higher Education, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2637 or FAX (804) 786-0572.

HOPEWELL INDUSTRIAL SAFETY COUNCIL

January 7, 1997 - 9 a.m. -- Open Meeting
February 4, 1997 - 9 a.m. -- Open Meeting
March 4, 1997 - 9 a.m. -- Open Meeting
Hopewell Community Center, Second and City Point Road, Hopewell, Virginia. ☎ (Interpreter for the deaf provided upon request)

Local Emergency Preparedness Committee Meeting on emergency preparedness as required by SARA Title III.

Contact: Robert Brown, Emergency Services Coordinator, 300 N. Main St., Hopewell, VA 23860, telephone (804) 541-2298.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

January 10, 1997 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to **repeal** regulations entitled: **13 VAC 5-20-10 et seq., Virginia Certification Standards/1993** and **adopt** regulations entitled: **13 VAC 5-21-10 et seq. Virginia Certification Standards**. The purpose of this proposal is (i) to delete the tradesmen certification requirements since regulatory authority for tradesmen certification was transferred to the Department of Professional and Occupational Regulation, and (ii) to transfer the blaster certification requirements from this regulation to the Virginia Statewide Fire Prevention Code.

Statutory Authority: §§ 36-98.3 and 36-137 of the Code of Virginia.

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7170 or FAX (804) 371-7092.

January 10, 1997 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to **repeal** regulations entitled: **13 VAC 5-30-10 et seq., Virginia Amusement Device Regulations/1993** and **adopt** regulations entitled: **13 VAC 5-31-10 et seq. Virginia Amusement Device Regulations**. The Virginia Amusement Device Regulations provide statewide standards for the construction, maintenance, inspection and operation of amusement devices. The proposed changes update this regulation to reflect current nationally approved standards.

Statutory Authority: § 36-98.3 of the Code of Virginia.

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7170 or FAX (804) 371-7092.

January 10, 1997 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to **repeal** regulations entitled: **13 VAC 5-50-10 et seq., Virginia Statewide Fire Prevention Code/1993** and **adopt** regulations entitled: **13 VAC 5-51-10 et seq. Virginia Statewide Fire Prevention Code.** The proposed regulation sets forth performance requirements for the use of explosives, and the maintenance and use of structures with regard to fire safety. The proposed regulation has been updated to reflect current nationally approved safety standards, blaster certification requirements have been deleted from the Virginia Certification Standards and incorporated into this regulation, and the format of the regulation has been changed to make it more understandable to the regulated community

Statutory Authority: § 27-97 of the Code of Virginia.

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7170 or FAX (804) 371-7092.

January 10, 1997 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to **repeal** regulations entitled: **13 VAC 5-60-10 et seq., Virginia Uniform Statewide Building Code, Volume I - New Construction Code/1993**, and **13 VAC 5-70-10 et seq., Virginia Uniform Statewide Building Code, Volume II - New Construction Code/1993**, and **adopt** regulations entitled: **13 VAC 5-61-10 et seq., Virginia Uniform Statewide Building Code.** The Building Code prescribes standards for construction, maintenance and use of buildings and structures and their equipment. This proposal consolidates Volumes I and II of the USBC into a single regulation and updates the latest construction and maintenance model codes and standards.

Statutory Authority: § 36-98 of the Code of Virginia.

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7170 or FAX (804) 371-7092.

January 10, 1997 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to **repeal** regulations entitled: **13 VAC 5-90-10 et seq., Virginia Industrialized Building and Manufactured Home and Safety Regulations/1993**, and **adopt** regulations entitled: **13 VAC 5-91-10 et seq., Virginia Industrialized Building Safety Regulations.** The proposed amendments update documents incorporated by reference to reflect current nationally approved safety standards and transfer requirements regarding manufactured home safety standards from this regulation to the Virginia Manufactured Home Safety Regulations (13 VAC 5-95-10 et seq.).

Statutory Authority: § 36-73 of the Code of Virginia.

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7170 or FAX (804) 371-7092.

January 10, 1997 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to **adopt** regulations entitled: **13 VAC 5-95-10 et seq., Virginia Manufactured Home Safety Regulations.** The Virginia Manufactured Home Safety Regulations provide for the administration and enforcement of uniform, statewide, and safety standards for manufactured homes, wherever produced.

Statutory Authority: §§ 36-85.7 of the Code of Virginia.

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7170 or FAX (804) 371-7092.

STATEWIDE INDEPENDENT LIVING COUNCIL

January 23, 1997 - 10 a.m. -- Open Meeting
Department for the Visually Handicapped, 397 Azalea Avenue, Library and Resource Center, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct regular business.

Contact: Jim Rothrock, Statewide Independent Living Council Staff, 1802 Marroit Rd., Richmond, VA 23229, telephone (804) 673-0119, FAX (804) 282-7112, toll-free 1-800-552-5019/TDD and Voice, or e:mail jarothro@comcast.com.

Calendar of Events

VIRGINIA INSURANCE COUNSELING AND ADVOCACY PROJECT ADVISORY COUNCIL

January 29, 1997 - 10 a.m. -- Open Meeting
Department for the Aging, 700 East Franklin Street, 10th
Floor, Richmond, Virginia.

A meeting to conduct advisory council business.

Contact: Kimlah Hyatt, Program Coordinator, Department
for the Aging, 700 E. Franklin St., 10th Floor, Richmond, VA
23219, telephone (804) 225-2801, FAX (804) 371-8381, toll-
free 1-800-552-3402, or (804) 225-2271/TDD ☎

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

January 23, 1997 - 10 a.m. -- Public Hearing
Virginia Housing Development Authority, 601 South Belvidere
Street, Richmond, Virginia.

**February 28, 1997 -- Public comments may be submitted
until this date.**

Notice is hereby given in accordance with § 9-6.14:7.1 of
the Code of Virginia that the Safety and Health Codes
Board intends to adopt regulations entitled: **16 VAC 25-
35-10 et seq. Regulation Concerning Certified Lead
Contractor Notification, Lead Project Permits and
Permit Fees.** The proposed regulation requires all
certified lead contractors who engage in lead abatement
projects in Virginia with a contract value of \$2,000 or
more to notify the Department of Labor and Industry in
writing at least 20 days before the beginning of such lead
project. Such notification shall be provided on a
department form accompanied by the payment of a lead
project permit fee. The regulation also requires filing of
amended notifications prior to changes in or cancellation
of lead abatement projects.

Statutory Authority: §§ 40.1-22(5) and 40.1-51.20 of the
Code of Virginia.

Public comments may be submitted until February 28, 1997,
to Bonnie H. Robinson, Regulatory Coordinator, Department
of Labor and Industry, 13 South 13th Street, Richmond, VA
23219.

Contact: Clarence H. Wheeling, Director of Occupational
Health Compliance, Department of Labor and Industry, 13 S.
13th St., Richmond, VA 23219, telephone (804) 786-0574,
FAX (804) 786-8418, or (804) 786-2376/TDD ☎

LIBRARY BOARD

January 6, 1997 - 10:30 a.m. -- Open Meeting
The Library of Virginia, 11th Street at Capitol Square, 3rd
Floor, Supreme Court Room, Richmond, Virginia. ♿

A meeting to discuss matters related to the Library of
Virginia and its board.

Contact: Jean H. Taylor, Secretary to the State Librarian,
The Library of Virginia, 11th Street at Capitol Square,
Richmond, VA 23219, telephone (804) 786-2332.

Automation and Networking Committee

January 6, 1997 - 9 a.m. -- Open Meeting
The Library of Virginia, 11th Street at Capitol Square, Office
of the Division Director, Richmond, Virginia. ♿

A meeting to discuss automation and networking
matters.

Contact: Jean H. Taylor, Secretary to the State Librarian,
The Library of Virginia, 11th Street at Capitol Square,
Richmond, VA 23219, telephone (804) 786-2332.

Publications and Cultural Affairs Committee

January 6, 1997 - 8 a.m. -- Open Meeting
The Library of Virginia, 11th Street at Capitol Square, Office
of the Division Director, Richmond, Virginia. ♿

A meeting to discuss matters related to the Publications
and Cultural Affairs Division and The Library of Virginia.

Contact: Jean H. Taylor, Secretary to the State Librarian,
The Library of Virginia, 11th Street at Capitol Square,
Richmond, VA 23219, telephone (804) 786-2332.

Records Management Committee

January 6, 1997 - 9 a.m. -- Open Meeting
The Library of Virginia, 11th Street at Capitol Square,
Conference Room B, Richmond, Virginia. ♿

A meeting to discuss matters pertaining to records
management.

Contact: Jean H. Taylor, Secretary to the State Librarian,
The Library of Virginia, 11th Street at Capitol Square,
Richmond, VA 23219, telephone (804) 786-2332.

Research and Information Services Committee

January 6, 1997 - 8 a.m. -- Open Meeting
The Library of Virginia, 11th Street at Capitol Square,
Conference Room B, Richmond, Virginia. ♿

A meeting to discuss research and information services.

Contact: Jean H. Taylor, Secretary to the State Librarian,
The Library of Virginia, 11th Street at Capitol Square,
Richmond, VA 23219, telephone (804) 786-2332.

LITTER CONTROL AND RECYCLING FUND ADVISORY BOARD

January 10, 1997 - 1:30 p.m. -- Open Meeting
Plantation House, 1108 East Main Street, 2nd Floor
Conference Center, Richmond, Virginia. ♿ (Interpreter for the
deaf provided upon request)

A meeting to (i) promote the control, prevention, and elimination of litter from the Commonwealth and encourage recycling; and (ii) advise the Director of the Department of Environmental Quality on other litter control and recycling matters. For details call Paddy Katzen or e-mail pmkatzen@deq.state.va.us.

Contact: Paddy Katzen, Special Assistant to the Secretary of Natural Resources, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4488 or FAX (804) 698-4453.

COMMISSION ON LOCAL GOVERNMENT

† **January 6, 1997 - 10 a.m.** -- Open Meeting
Commission on Local Government, 8th Street Office Building, 805 East Broad Street, Room 702, Richmond, Virginia.

A regular meeting to consider such matters as may be presented. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 8th Street Office Bldg., Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD ☎

† **February 17, 1997 - 10 a.m.** -- Open Meeting
Smithfield area; site to be determined.

Oral presentations regarding the Town of Smithfield and Isle of Wight County Voluntary Settlement Agreement. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 8th Street Office Bldg., Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD ☎

† **February 17, 1997 - 7 p.m.** -- Public Hearing
Smithfield area; site to be determined.

A public hearing regarding the Town of Smithfield and Isle of Wight County Voluntary Settlement Agreement. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 8th Street Office Bldg., Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD ☎

LONGWOOD COLLEGE

Board of Visitors

† **January 30, 1997 - 1 p.m.** -- Open Meeting
Omni Charlottesville Hotel, Preston II Room, Charlottesville, Virginia. ♿

A meeting to conduct routine business of the Facilities and Services Committee and Finance Committee of the Longwood Board of Visitors.

Contact: Patricia P. Cormier, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004 or FAX (804) 395-2821.

† **January 30, 1997 - 4 p.m.** -- Open Meeting
Omni Charlottesville Hotel, Preston II Room, Charlottesville, Virginia. ♿

A meeting of the Academic Affairs/Student Affairs Committees to conduct routine business.

Contact: Patricia P. Cormier, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2001 or FAX (804) 395-2821.

† **January 31, 1997 - 9:30 a.m.** -- Open Meeting
Omni Charlottesville Hotel, Preston II Room, Charlottesville, Virginia. ♿

A meeting to conduct routine business.

Contact: Patricia P. Cormier, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004 or FAX (804) 395-2821.

VIRGINIA MANUFACTURED HOUSING BOARD

January 15, 1997 - 10 a.m. -- Open Meeting
Department of Housing and Community Development, The Jackson Center, 501 North 2nd Street, Richmond, Virginia. ♿
(Interpreter for the deaf provided upon request)

A regular monthly meeting of the board.

Contact: Curtis L. McIver, Associate Director, Department of Housing and Community Development, Manufactured Housing Office, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7160 or (804) 371-7089/TDD ☎

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† **February 18, 1997 - 10 a.m.** -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia.

A meeting of the board to consider policy issues relating to Medicaid.

Contact: Cynthia A. Klisz, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8099 or FAX (804) 371-4981.

February 21, 1997 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical

Calendar of Events

Assistance Services intends to consider amending regulations entitled: **12 VAC 30-70-10 et seq. Methods and Standards for Establishing Payment Rates--Inpatient Hospital Services and 12 VAC 30-80-10 et seq. Methods and Standards for Establishing Payment Rates--Other Types of Care.** The purpose of the proposed action is to promulgate a new reimbursement methodology (diagnosis related groupings) for inpatient hospital services to replace the current per diem methodology.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Public comments may be submitted until February 21, 1997, to Scott Crawford, Division of Financial Operations, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria Simmons or Roberta Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

February 21, 1997 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to consider adopting regulations entitled: **12 VAC 30-100-250 through 12 VAC 30-100-370 et seq. HIV Premium Assistance Program.** The purpose of the proposed regulation is to promulgate permanent regulations for the administration of the HIV Premium Assistance Program consistent with § 32.1-330.1 of the Code of Virginia.

Statutory Authority: §§ 32.1-325 and 32.1-330.1 of the Code of Virginia.

Public comments may be submitted until February 21, 1997, to Michael Lupien, Division of Program Delivery Systems, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria Simmons or Roberta Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

Medicaid Drug Utilization Review Board

January 9, 1997 - 2 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. ☒

A meeting to conduct routine business.

Contact: Marianne R. Rollins, Medical Support, Division of Program Operations, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8056.

Medicaid Pharmacy Prior Authorization Advisory Committee

January 9, 1997 - 10 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. ☒

A meeting to conduct routine business.

Contact: Marianne R. Rollins, Medical Support, Division of Program Operations, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8056.

BOARD OF MEDICINE

† **January 24, 1997 - 1 p.m.** -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.

† **March 7, 1997** -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled: **18 VAC 85-80-10 et seq. Regulations for the Certification of Occupational Therapists.** The purpose of the proposed amendments is to update the identification of the national accreditation body for occupational therapy, clarify the clinical supervision of uncertified persons practicing occupational therapy, and reduce the application fee for certification.

Statutory Authority: §§ 54.1-2400 and 54.1-2956.1 through 54.1-2956.5 of the Code of Virginia.

Contact: Warren W. Koontz, M.D., Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7423 or FAX (804) 662-9943.

Informal Conference Committee

January 8, 1997 - 9 a.m. -- Open Meeting
Roanoke Airport Marriott, 2801 Hershberger Road, Roanoke, Virginia.

January 14, 1997 - 9 a.m. -- Open Meeting
Sheraton Inn, 2801 Plank Road, Fredericksburg, Virginia.

January 16, 1997 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia.

January 24, 1997 - 9 a.m. -- Open Meeting
Marriott Hotel, 50 Kingsmill Road, Williamsburg, Virginia.

The Informal Conference Committee, composed of three members of the board, will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 A 7 and A 15

of the Code of Virginia. Public comment will not be received.

Contact: Lorraine McGehee, Acting Deputy Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7693, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Advisory Board on Occupational Therapy

January 9, 1997 - 9 a.m. -- Open Meeting
 Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to review public comments and make recommendations to the board regarding the regulatory review of 18 VAC 85-80-10 et seq., Regulations for Certification of Occupational Therapists, and such other issues which may be presented. The board will entertain public comment during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Advisory Board on Physical Therapy

January 10, 1997 - 9 a.m. -- Open Meeting
 Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to review public comments and make recommendations to the board regarding the regulatory review of 18 VAC 85-30-10 et seq., Regulations Governing the Practice of Physical Therapy, and such other issues which may be presented. The board will entertain public comment during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Advisory Board on Physician's Assistants

January 10, 1997 - 1 p.m. -- Open Meeting
 Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to review public comments and make recommendations to the board regarding the regulatory review of 18 VAC 85-50-10 et seq., Regulations Governing the Practice of Physician's Assistants, and such other issues which may be presented. The

committee will entertain public comment during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Advisory Board on Respiratory Therapy

January 9, 1997 - 1 p.m. -- Open Meeting
 Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to review public comments and make recommendations to the board regarding the regulatory review of 18 VAC 85-40-10 et seq., Regulations Governing the Practice of Respiratory Therapy Practitioners, and such other issues which may be presented. The board will entertain public comment during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

January 8, 1997 - Time to be announced - Open Meeting
 Location to be announced

The Case Rate Workgroup will meet to identify issues and develop recommendations related to the development of a case rate. The workgroup will report to the Priority Population Case Rate Funding Subcommittee of the Policy Leadership Team.

Contact: Brenda Henton, Assistant Administrator, Finance, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-6607 or FAX (804) 371-6636.

January 10, 1997 - 1 p.m. -- Open Meeting
 Department for the Visually Handicapped (for 20/20 or better).

A meeting of the Priority Population Case Rate Funding Subcommittee of the Policy Leadership Team to discuss consultation services and hear the report of the Case Rate Workgroup.

Contact: Cheryl Crawford, Administrative Unit Specialist, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-6607 or FAX (804) 371-6636.

Calendar of Events

Pilot Leadership Team

January 9, 1997 - 10:30 a.m. -- Open Meeting
Location to be announced.

A meeting to continue the development of plans for mental health, mental retardation and substance abuse system reform pilot projects. The team will hear the reports of the Priority Populations/Case Rate Funding Subcommittee; the Consumer and Family Involvement Subcommittee; and the POMS Subcommittee.

Contact: Marion Greenfield, Policy Analyst, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-6431 or FAX (804) 786-0092.

STATE MILK COMMISSION

February 19, 1997 - 10:30 a.m. -- Open Meeting
900 Natural Resources Drive, 2nd Floor Board Room, Charlottesville, Virginia.☎

A regular meeting to (i) discuss industry issues, distributor licensing, Virginia base transfers, Virginia baseholding license amendments, regulations, and fiscal matters and (ii) receive reports from the staff of the Milk Commission. The commission may consider other matters pertaining to its responsibilities. Any persons who require accommodations in order to participate in the meeting should contact Edward C. Wilson, Jr., at least five days prior to the meeting date so that suitable arrangements can be made.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, 200 N. 9th St., Suite 1015, Richmond, VA 23219-3414, telephone (804) 786-2013 or (804) 786-2013/TDD☎

GOVERNOR'S MINED LAND RECLAMATION ADVISORY BOARD

January 16, 1997 - 10 a.m. -- Open Meeting
Department of Mines, Minerals and Energy, Buchanan-Smith Building, Route 23, Big Stone Gap, Virginia.☎ (Interpreter for the deaf provided upon request)

A meeting to review and discuss recent Interstate Mining Compact Commission issues associated with the coal industry.

Contact: Danny Brown, Division Director, Department of Mines, Minerals and Energy, Division of Mined Land Reclamation, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8152, FAX (540) 523-8163 or toll-free 1-800-828-1120 (VA Relay Center).

DEPARTMENT OF MOTOR VEHICLES

Medical Advisory Board

† January 8, 1997 - 1 p.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia.☎

A regular business meeting.

Contact: Millicent N. Ford, Program Manager, Medical Advisory Board, Department of Motor Vehicles, 2300 W Broad St., Richmond, VA 23220, telephone (804) 367-0132.

MOTOR VEHICLE DEALER BOARD

† January 21, 1997 - 10 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

A meeting to conduct general board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the Motor Vehicle Dealer Board at (804) 367-1100 at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act. A tentative agenda will be provided upon request by contacting the Motor Vehicle Dealer Board. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

Contact: Mary Beth Blevins, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

Advertising Committee

† January 20, 1997 - 3 p.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

A meeting to conduct general board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the Motor Vehicle Dealer Board at (804) 367-1100 at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act. A tentative agenda will be provided upon request by contacting the Motor Vehicle Dealer Board. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

Contact: Mary Beth Blevins, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104,

Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

† **January 20, 1997 - 10 a.m.** -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct general board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the Motor Vehicle Dealer Board at (804) 367-1100 at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act. A tentative agenda will be provided upon request by contacting the Motor Vehicle Dealer Board. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

Contact: Mary Beth Blevins, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

Dealer Practices Committee

† **January 20, 1997 - 1 p.m.** -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct general board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the Motor Vehicle Dealer Board at (804) 367-1100 at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act. A tentative agenda will be provided upon request by contacting the Motor Vehicle Dealer Board. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

Contact: Mary Beth Blevins, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

Finance Committee

† **January 21, 1997 - 9 a.m.** -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct general board business will immediately follow the conclusion of the Advertising Committee meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the Motor Vehicle

Dealer Board at (804) 367-1100 at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act. A tentative agenda will be provided upon request by contacting the Motor Vehicle Dealer Board. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

Contact: Mary Beth Blevins, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

Franchise Review and Advisory Committee

† **January 21, 1997 - 9 a.m.** -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Executive Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct general board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the Motor Vehicle Dealer Board at (804) 367-1100 at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act. A tentative agenda will be provided upon request by contacting the Motor Vehicle Dealer Board. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

Contact: Mary Beth Blevins, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

Transaction Recovery Fund Committee

† **January 20, 1997 - 9:15 a.m.** -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct general board business will immediately follow the conclusion of the Licensing Committee meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the Motor Vehicle Dealer Board at (804) 367-1100 at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act. A tentative agenda will be provided upon request by contacting the Motor Vehicle Dealer Board. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

Contact: Mary Beth Blevins, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104,

Calendar of Events

Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

VIRGINIA MUSEUM OF FINE ARTS

Buildings and Ground Committees

NOTE: CHANGE IN MEETING DATE AND TIME

† **January 21, 1997 - 12:30 p.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Conference Room, Richmond, Virginia. ♿

A meeting to discuss renovation of the Center for Education and Outreach, and ongoing projects. Public comment will not be received at the meeting.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 367-0553.

Communications and Marketing Committee

January 8, 1997 - 10:30 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia. ♿

A meeting to discuss communication and marketing issues for the museum. This is the initial meeting of the year. Public comment will not be received at the meeting.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 367-0553.

Finance Committee

January 16, 1997 - 11 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Conference Room, Richmond, Virginia. ♿

A meeting to review budgets and reports on enterprise operations. Public comment will not be received at the meeting.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 367-0553.

Board of Trustees

January 7, 1997 - 8 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Conference Room, Richmond, Virginia. ♿

A monthly briefing of the officers of the Board of Trustees with the director and deputy director. Public comment will not be received at the meeting.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 367-0553.

January 16, 1997 - Noon -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia. ♿

A regularly scheduled bimonthly meeting to review budgets and receive staff and committee reports. Public comment will not be received at the meeting.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 367-0553.

VIRGINIA MUSEUM OF NATURAL HISTORY

Board of Trustees

† **January 23, 1997 - 9 a.m.** -- Open Meeting
The Jefferson Hotel, Franklin and Adams Streets, Richmond, Virginia. ♿

A meeting to include reports from the development, executive, finance, legislative, marketing, nominating, outreach, personnel, planning and facilities, and research and collections committees. Public comment will be received following the approval of the minutes of the October meeting.

Contact: Rhonda J. Knighton, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD ♿

Development Committee

† **January 23, 1997 - 8 a.m.** -- Open Meeting
The Jefferson Hotel, Lemaire, Franklin and Adams Streets, Richmond, Virginia. ♿

A meeting to discuss development issues.

Contact: Rhonda J. Knighton, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD ♿

BOARD OF NURSING

January 7, 1997 - 8 a.m. -- Open Meeting
Carroll County Library, 101 Beaversdam Road, Hillsville, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to conduct informal conferences with certified nurse aides. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9943 or (804) 662-7197/TDD ♿

BOARD OF NURSING HOME ADMINISTRATORS

January 8, 1997 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Richmond, Virginia. ☎

A general board meeting. Public comments will be heard for 15 minutes prior to the meeting.

Contact: Senita Booker, Program Support Technician Senior, Board of Nursing Home Administrators, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

BOARD FOR OPTICIANS

January 10, 1997 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review and other matters requiring board action, including disciplinary cases. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made for appropriate accommodations. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TDD ☎

BOARD OF PHARMACY

† **January 16, 1997 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 4, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

A meeting to conduct informal conferences. Public comments will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911 or FAX (804) 662-9313.

BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS

January 24, 1997 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Professional

Counselors and Marriage and Family Therapists intends to amend regulations entitled: **18 VAC 115-40-10 et seq. Regulations Governing the Certification of Rehabilitation Providers.** The purpose of the proposed amendment is to establish educational and experience requirements for certification.

Statutory Authority: §§ 54.1-2400 and 54.1-3505 of the Code of Virginia.

Contact: Janet Delorme, Deputy Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9575 or FAX (804) 662-9943.

† **February 6, 1997 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Richmond, Virginia. ☎

An informal conference will be held pursuant § 9-6.14:11 of the Code of Virginia. Public comment will not be heard.

Contact: Evelyn B. Brown, Executive Director, or Joyce Williams, Administrative Assistant, Board of Professional Counselors and Marriage and Family Therapists, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912 or FAX (804) 662-9943.

† **February 7, 1997 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Richmond, Virginia. ☎

An Executive Committee meeting to review credentials will begin at 8:30 a.m. Public comment will not be heard. At 10 a.m. there will be regular meeting to (i) conduct general board business; (ii) consider committee reports, correspondence, and any other matters under the jurisdiction of the board; and (iii) conduct regulatory review. There will be a 30-minute general public comment period beginning at 10:15 a.m.

Contact: Evelyn B. Brown, Executive Director, or Joyce D. Williams, Administrative Assistant, Board of Professional Counselors and Marriage and Family Therapists, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912 or FAX (804) 662-9943.

VIRGINIA PUBLIC TELECOMMUNICATIONS BOARD

† **January 9, 1997 - 10 a.m.** -- Open Meeting
Department of Information Technology, Richmond Plaza Building, 110 South 7th Street, 1st Floor East, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular quarterly meeting to include 1997 legislative overview and planning process for 98-2000.

Contact: Suzanne J. Piland, Public Telecommunications Manager, Department of Information Technology, 110 S. 7th St., 1st Floor, Richmond, VA 23219, telephone (804) 371-5544 or FAX (804) 371-5556.

Calendar of Events

DEPARTMENT OF REHABILITATIVE SERVICES (BOARD OF)

January 23, 1997 - 10 a.m. -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A quarterly business meeting of the board.

Contact: John R. Vaughn, Commissioner, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23230, telephone (804) 662-7010, toll-free 1-800-552-5019/TDD and Voice or (804) 662-9040/TDD

VIRGINIA RESOURCES AUTHORITY

January 14, 1997 - 9:30 a.m. -- Open Meeting
The Mutual Building, 909 East Main Street, Suite 607, Board Room, Richmond, Virginia.

The board will meet to approve minutes of the meeting of the prior month, to review the authority's operations for the prior months, and to consider other matters and take other actions as it may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting. Public comments will be received at the beginning of the meeting.

Contact: Shockley D. Gardner, Jr., Virginia Resources Authority, 909 E. Main St., Suite 607, Mutual Building, Richmond, VA 23219, telephone (804) 644-3100 or FAX (804) 644-3109.

RICHMOND HOSPITAL AUTHORITY

Board of Commissioners

† January 23, 1997 - 5 p.m. -- Open Meeting
Richmond Nursing Home, 1900 Cool Lane, 2nd Floor, Classroom, Richmond, Virginia.

A monthly board meeting to discuss nursing home operations and related matters.

Contact: Marilyn H. West, Chairman, Richmond Hospital Authority, P.O. Box 548, Richmond, VA 23204-0548, telephone (804) 782-1938.

BOARD OF SOCIAL WORK

January 10, 1997 - 8:15 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia.

A meeting of the Regulatory Committee to plan for 1997 regulatory/legislative review.

Contact: Janet Delorme, Deputy Executive Director, Board of Social Work, 6606 W. Broad St., 4th Floor, Richmond, VA

23230-1717, telephone (804) 662-9575, FAX (804) 662-9943, or (804) 662-7197/TDD

† January 10, 1997 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia.

A business meeting to discuss regulations.

Contact: Evelyn B. Brown, Executive Director, Board of Social Work, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9914, FAX (804) 662-9943, or (804) 662-7197/TDD

VIRGINIA SOIL AND WATER CONSERVATION BOARD

January 16, 1997 - 9 a.m. -- Open Meeting
Colonial Farm Credit, 6526 Mechanicsville Turnpike, Mechanicsville, Virginia.

A regular bimonthly business meeting.

Contact: Linda J. Cox, Administrative Staff Assistant, Virginia Soil and Water Conservation Board, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2123 or FAX (804) 786-6141.

COMMONWEALTH TRANSPORTATION BOARD

January 15, 1997 - 2 p.m. -- Open Meeting
Department of Transportation, 1401 East Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A work session of the board and the Department of Transportation staff.

Contact: Robert E. Martinez, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-8032.

January 16, 1997 - 10 a.m. -- Open Meeting
Department of Transportation, 1401 East Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A monthly meeting of the board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact Department of Transportation Public Affairs at (804) 786-2715 for schedule.

Contact: Robert E. Martinez, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-8032.

TREASURY BOARD

January 16, 1997 - 9 a.m. -- Open Meeting
February 20, 1997 - 9 a.m. -- Open Meeting
 James Monroe Building, 101 North 14th Street, Treasury Board Room, 3rd Floor, Richmond, Virginia. ♿

In January and February 1997 the board will meet on the third Thursday rather than the third Wednesday.

Contact: Gloria J. Hatchel, Administrative Assistant, Department of the Treasury, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 371-6011.

DEPARTMENT FOR THE VISUALLY HANDICAPPED (BOARD OF)

January 22, 1997 - 1:30 p.m. -- Open Meeting
 Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ♿
 (Interpreter for the deaf provided upon request)

The board is responsible for advising the Governor, the Secretary of Health and Human Resources, the Commissioner, and the General Assembly on the delivery of public services to the blind and the protection of their rights. The board also reviews and comments on policies, budgets and requests for appropriations for the department. At this regular quarterly meeting, the board members will receive information regarding department activities and operations, review expenditures from the board's institutional fund, and discuss other issues raised by board members.

Contact: Katherine C. Proffitt, Executive Secretary Senior, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140, toll-free 1-800-622-2155, or (804) 371-3140/TDD ♿

Vocational Rehabilitation Advisory Council

† **March 1, 1997 - 10 a.m.** -- Open Meeting
 Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ♿
 (Interpreter for the deaf provided upon request)

The council meets quarterly to advise the Department for the Visually Handicapped on matters related to vocational rehabilitation services for blind and visually impaired citizens of the Commonwealth.

Contact: James G. Taylor, Vocational Rehabilitation Program Director, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140, toll-free 1-800-622-2155, or (804) 371-3140/TDD ♿

VIRGINIA VOLUNTARY FORMULARY BOARD

February 6, 1997 - 10:30 a.m. -- Open Meeting
 Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia. ♿

A meeting to review public hearing comments and new product data for drug products pertaining to the Virginia Voluntary Formulary.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Virginia Voluntary Formulary, James Monroe Bldg., 101 N. 14th St., Room S-45, Richmond, VA 23219, telephone (804) 786-4326.

STATE WATER CONTROL BOARD

January 21, 1997 - 11 a.m. -- Public Hearing
 City of Lexington Municipal Building, 300 East Washington Street, 2nd Floor Conference Room, Lexington, Virginia.

January 22, 1997 - 11 a.m. -- Public Hearing
 Prince William County Administration Center, 1 County Complex, McCoart Building, Board Chambers, Prince William, Virginia.

January 23, 1997 - 11 a.m. -- Public Hearing
 James City County Board of Supervisors Room, 101 C. Mounts Bay Road, Building C, Williamsburg, Virginia.

February 10, 1997 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to adopt regulations entitled: **9 VAC 25-193-10 et seq. General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Ready-Mixed Concrete Plants.** The proposed regulation establishes a general permit for the ready-mixed concrete plant category of wastewater discharges under the Virginia Pollutant Discharge Elimination System.

Question and Answer Period: A question and answer period will be held one half hour prior to the public hearing at the same location. Interested citizens will have an opportunity to ask questions pertaining to the proposal at that time.

Accessibility to Persons with Disabilities: The public hearing will be held at facilities believed to be accessible to persons with disabilities. Any person with questions should contact Ms. Lily Choi at the address given below. Persons needing interpreter services for the deaf should notify Ms. Choi no later than January 10, 1997.

Request for Comments: The board is seeking written comments from interested persons on both the proposed regulatory action and the draft permit, as well as comments regarding the costs and benefits of the proposal or any other alternatives. Written comments on the proposed issuance of the permit and on the proposed regulation must be received no later than 4 p.m. on February 10, 1997, and should be submitted to Ms. Choi. Comments shall include the name, address, and telephone number of the writer, and shall contain a complete, concise statement of the factual basis for

Calendar of Events

comments. Only those comments received within this period will be considered by the board.

Other Information: The department has conducted analyses on the proposed regulation related to the basis, purpose, substance, issues and estimated impacts. These are available upon request from Ms. Choi at the address below.

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Contact: Lily Choi, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

January 9, 1997 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review, disciplinary cases, and other matters requiring board action. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TDD ☎

INDEPENDENT

STATE LOTTERY BOARD

† **January 22, 1997 - 9:30 a.m.** -- Open Meeting
State Lottery Department, 900 East Main Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular meeting of the board. Public comment will be received at the beginning of the meeting.

Contact: Barbara L. Robertson, Board, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7774 or FAX (804) 692-7775.

CHRONOLOGICAL LIST

OPEN MEETINGS

January 6, 1997
Accountancy, Board for

† Alcoholic Beverage Control, Virginia
Barbers, Board for
Competition Council, Commonwealth
Cosmetology, Board for
Library Board
- Automation and Networking Committee
- Publications and Cultural Affairs Committee
- Records Management Committee
- Research and Information Services Committee
† Local Government, Commission on

January 7

† Compensation Board
† Criminal Justice Services Board
Hopewell Industrial Safety Council
Museum of Fine Arts, Virginia
- Board of Trustees
Nursing, Board of

January 8

Air Pollution Control Board, State
† Community Colleges, State Board for
Conservation and Recreation, Department of
- Moormans Scenic River Advisory Board
† Contractors, Board for
† Emergency Planning Committee, Local - County of
Montgomery/Town of Blacksburg
Medicine, Board of
Mental Health, Mental Retardation and Substance Abuse
Services, Department of
† Motor Vehicles, Department of
- Medical Advisory Board
Museum of Fine Arts, Virginia
- Communication and Marketing Committee
Nursing Home Administrators, Board of

January 9

† Child Day-Care Council
† Community Colleges, State Board for
† Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
- Goose Creek Scenic River Advisory Board
Education, Board of
† Forestry, Board of
Funeral Directors and Embalmers, Board of
Game and Inland Fisheries, Board of
† Higher Education for Virginia, State Council of
Medical Assistance Services, Department of
- Medicaid Drug Utilization Review Board
- Medicaid Pharmacy Prior Authorization Advisory
Committee
Medicine, Board of
- Advisory Board on Occupational Therapy
- Advisory Board on Respiratory Therapy
Mental Health, Mental Retardation and Substance Abuse
Services, Department of
- Pilot Leadership Team
† Public Telecommunications Board, Virginia
Waterworks and Wastewater Works Operators, Board
for

January 10

Auctioneers Board
Game and Inland Fisheries, Board of

Calendar of Events

Litter Control and Recycling Fund Advisory Board
Medicine, Board of
- Advisory Board on Physical Therapy
- Advisory Committee on Physician's Assistant
Opticians, Board for
† Social Work, Board of

January 11

Conservation and Recreation, Department of
- Virginia Cave Board
Hazardous Materials Training Advisory Committee, State

January 13

Hearing Aid Specialists, Board for

January 14

Chesapeake Bay Local Assistance Board
- Northern Area Review Committee
- Southern Area Review Committee
Conservation and Recreation, Department of
- Appomattox Scenic River Advisory Board
† Health Professions, Board of
- Compliance and Discipline Committee
- Practitioner Self-Referral Committee
- Regulatory Research Committee
Medicine, Board of
Resources Authority, Virginia

January 15

Agriculture and Consumer Services, Department of
- Pesticide Control Board
Manufactured Housing Board, Virginia
Mental Health, Mental Retardation and Substance Abuse
Services, Department of
- Priority Populations/Case Rate Funding
Subcommittee of the Pilot Leadership Team
Transportation Board, Commonwealth

January 16

Agriculture and Consumer Services, Department of
- Pesticide Control Board
† Architects, Professional Engineers, Land Surveyors
and Landscape Architects, Board for
- Board for Land Surveyors
Medicine, Board of
Mined Land Reclamation Advisory Board, Governor's
Museum of Fine Arts, Virginia
- Finance Committee
- Board of Trustees
† Pharmacy, Board of
Soil and Water Conservation Board, Virginia
Transportation Board, Commonwealth
Treasury Board

January 17

† Architects, Professional Engineers, Land Surveyors
and Landscape Architects, Board for
- Board for Land Surveyors
Correctional Education, Board of
General Services, Department of
- Design/Build Construction Management Review
Board

January 20

Aging, Governor's Advisory Board on

† Motor Vehicle Dealer Board
- Advertising Committee
- Dealer Licensing Committee
- Dealer Practices Committee
- Transaction Recovery Fund Committee

January 21

Accountancy, Board for
Aging, Governor's Advisory Board on
† Agriculture and Consumer Services, Department of
- Virginia Winegrowers Advisory Board
† At Risk Youth and Their Families, Comprehensive
Services for
- State Management Team
Environmental Quality, Department of
- Virginia Ground Water Protection Steering
Committee
† Motor Vehicle Dealer Board
- Finance Committee
- Franchise Review and Advisory Committee
Museum of Fine Arts, Virginia
- Building and Grounds Committee

January 22

Child Fatality Review Team, State
† Economic Development Partnership, Virginia
† Lottery Board, State
Visually Handicapped, Board for the

January 23

† Alcoholic Beverage Control Board, Virginia
† Dentistry, Board of
Independent Living Council, Statewide
† Museum of Natural History, Virginia
- Development Committee
- Board of Trustees
Rehabilitative Services, Board of
† Richmond Hospital Authority
- Board of Commissioners

January 24

† Dentistry, Board of
Medicine, Board of

January 29

Aging, Department for the
- Virginia Insurance Counseling and Advocacy Project
Advisory Council
† Conservation and Recreation, Board of

January 30

† Compensation Board
† Longwood College
- Board of Visitors

January 31

Audiology and Speech-Language Pathology, Board of
- Legislative/Regulatory Committee
† Longwood College
- Board of Visitors

February 3

† Alcoholic Beverage Control Board, Virginia

February 4

† Agriculture and Consumer Services, Department of

Calendar of Events

- Virginia Horse Industry Board
Contractors, Board for
- Disciplinary Committee
Hopewell Industrial Safety Council

February 5

† Deaf and Hard-of-Hearing, Department for the
- Advisory Board

February 6

Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
† Professional Counselors and Marriage and Family
Therapists, Board of
Voluntary Formulary Board, Virginia

February 7

Agriculture and Consumer Services, Department of
- Virginia Plant Pollination Advisory Board
† Professional Counselors and Marriage and Family
Therapists, Board of

February 11

Chesapeake Bay Local Assistance Board
- Northern Area Review Committee
- Southern Area Review Committee

February 12

Conservation and Recreation, Department of
- Moormans Scenic River Advisory Board

February 17

† Local Government, Commission on

February 18

† Medical Assistance Services, Board of

February 19

Conservation and Recreation, Department of
- Rappahannock Scenic River Advisory Board
Milk Commission, State

February 20

† Alcoholic Beverage Control Board, Virginia
Audiology and Speech Language Pathology, Board of
Treasury Board

February 21

General Services, Department of
- Design/Build Construction Management Review
Board

February 27

† Compensation Board

March 1

† Visually Handicapped, Department for the
- Vocational Rehabilitation Advisory Council

March 3

† Alcoholic Beverage Control Board, Virginia

March 4

Hopewell Industrial Safety Council

March 17

† Alcoholic Beverage Control Board, Virginia

March 18

† Contractors, Board for

March 31

† Alcoholic Beverage Control Board, Virginia

PUBLIC HEARINGS

January 7, 1997

Contractors, Board for
Environmental Quality, Department of

January 21

Water Control Board, State

January 22

Water Control Board, State

January 23

† Fire Services Board, Virginia
Labor and Industry, Department of
- Safety and Health Codes Board
Water Control Board, State

February 17

† Local Government, Commission on