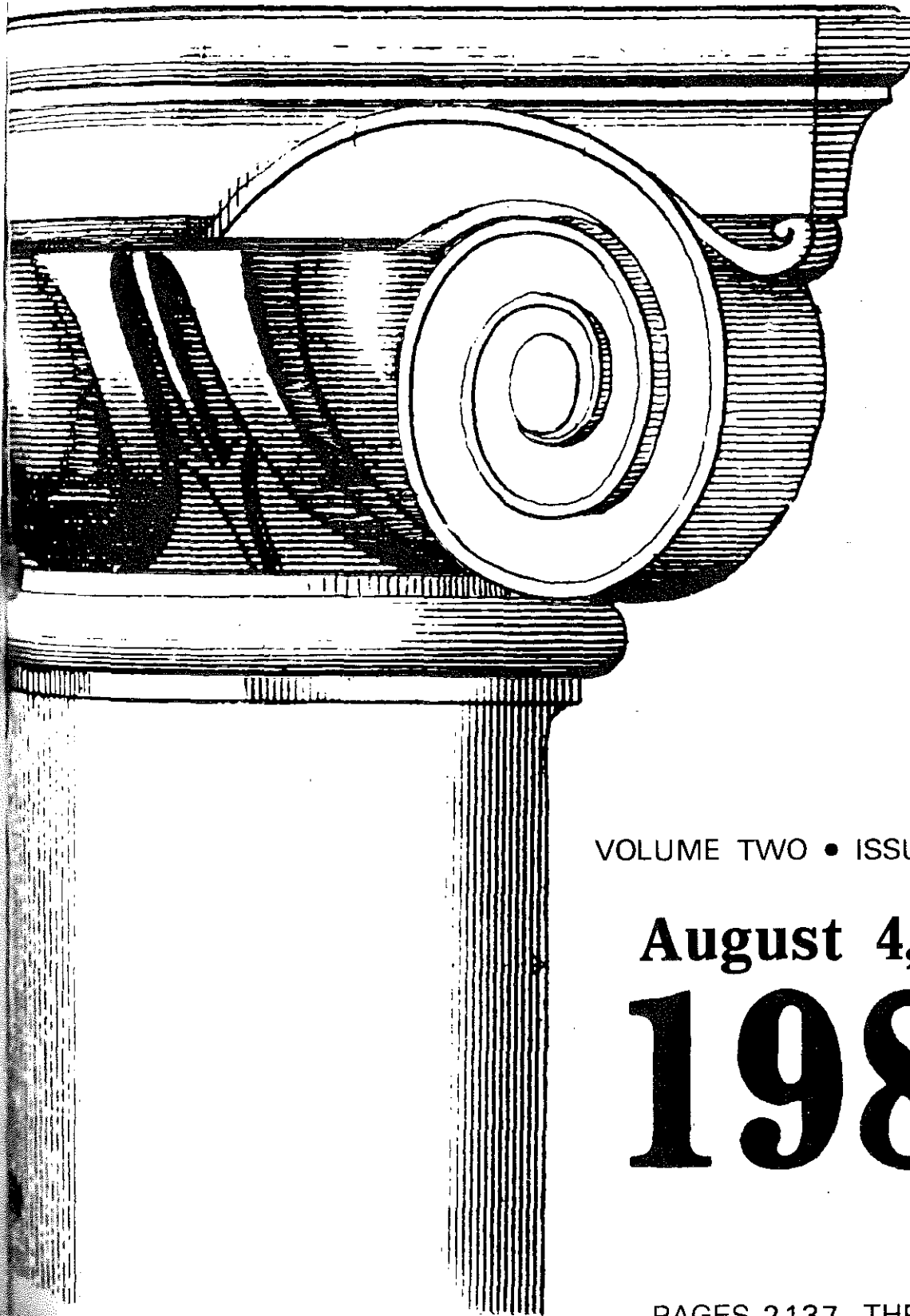


# THE VIRGINIA REGISTER

OF REGULATIONS



VOLUME TWO • ISSUE TWENTY-TWO

August 4,

**1986**

PAGES 2137 THROUGH 2234

# INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

## VIRGINIA REGISTER

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 full text of all regulations, both as proposed and as finally adopted or changed by amendment 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 issued by the Governor, and Executive Orders, the Virginia Tax Bulletin issued monthly by the Department of Taxation, and notices of all 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 proposed action; a basis, purpose, impact and summary statement; a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations.

Under the provisions of the Administrative Process Act, the Registrar has the right to publish a summary, rather than the full text, of a regulation which is considered to be too lengthy. In such case, the full text of the regulation will be available for public inspection at the office of the Registrar and at the office of the promulgating agency.

Following publication of the proposal in the *Virginia Register*, sixty days must elapse before the agency may take action on the proposal.

During this time, the Governor and the General Assembly will review the proposed regulations. The Governor will transmit his comments on the regulations to the Registrar and the agency and such comments will be published in the *Virginia Register*.

Upon receipt of the Governor's comment on a proposed regulation, the agency (i) may adopt the proposed regulation, if the Governor has no objection to the regulation; (ii) may modify and adopt the proposed regulation after considering and incorporating the Governor's suggestions, or (iii) may adopt the regulation without changes despite the Governor's recommendations for change.

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 *Virginia Registrar* and the promulgating agency. The objection will be published in the *Virginia Register*. Within twenty-one 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 promulgating agency must again publish the text of the regulation, as adopted, highlighting and explaining any substantial changes in the final regulation. A thirty-day final adoption period will commence upon publication in the *Virginia Register*.

The Governor will review the final regulation during this time and if he objects, forward his objection to the Registrar and the agency. His objection will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation are substantial, he may suspend the regulatory process for thirty days and

require the agency to solicit additional public comment on the substantial changes.

A regulation becomes effective at the conclusion of this thirty-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 twenty-one day extension period; or (ii) the Governor exercises his authority to suspend the regulatory process for solicitation of additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified which date shall be after the expiration of the period for which the Governor has suspended the regulatory process.

Proposed action on regulations may be withdrawn by the promulgating agency at any time before final action is taken.

## EMERGENCY REGULATIONS

If an agency determines that an emergency situation exists, it then requests the Governor to issue 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 in time and cannot exceed a twelve-months duration. The emergency regulations will be published as quickly as possible in the *Virginia Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures (See "Adoption, Amendment, and Repeal of Regulations," above). If the agency does not choose 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 of Chapter 1.1:1 (§§ 9-6.14:6 through 9-6.14:9) of the Code of Virginia be examined carefully.

## CITATION TO THE VIRGINIA REGISTER

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VIRGINIA REGISTER OF REGULATIONS

PUBLICATION DEADLINES AND SCHEDULES

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July 21	July 2
Aug. 4	July 16
Aug. 18	July 30
Sept. 1	Aug. 13
Sept. 15	Aug. 27
Sept. 29	Sept. 10
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Oct. 27	Oct. 8
Nov. 10	Oct. 22
Nov. 24	Nov. 5
Dec. 8	Nov. 19
Dec. 22	Dec. 3
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1987	
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# PROPOSED REGULATIONS

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## 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 EDUCATION

**Title of Regulation:** VR 270-01-0006. Regulations Governing Pupil Transportation Including Minimum Standards For School Buses in Virginia.

**Statutory Authority:** § 22.1-16 of the Code of Virginia.

**Public Hearing Date:** October 28, 1986 - 1:30 p.m.  
(See Calendar of Events section for additional information)

### Summary:

*This proposed regulation is summarized as follows:*

*Part I contains definitions of words and terms used in the regulations.*

*Part II contains general regulations pertaining to the operational procedures and requirement for school buses.*

*Part III contains regulations for distribution of the regular pupil transportation fund. These regulations govern funds distributed to school divisions operating approved school bus programs.*

*Part IV contains regulations for reimbursement to eligible school divisions from the special pupil transportation fund. These regulations govern funds distributed to those school divisions providing transportation for pupils on public transportation systems (transit).*

*Part V contains requirements for school bus drivers. The requirements relate to the employment of such persons to operate a school bus. There has been a proposed change, which prescribes the scope of the required physical examination, in the regulation governing physical requirements for school bus drivers. The remaining requirements contain no changes.*

*Part VI contains minimum standards for school buses in Virginia. School buses sold by any dealer or manufacturer to a Virginia school division must conform to these standards/specifications on body and chassis construction and design.*

VR 270-01-0006. Regulations Governing Pupil Transportation Including Minimum Standards For School Buses in Virginia.

## PART I. DEFINITIONS.

§ 1.1. The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

*"Color-black" means federal standard No. 595, black enamel #17038.*

*"Color-yellow" means national school bus yellow SBMI color standard 008.*

*"Emergency equipment compartment" means an approved compartment which is labeled to indicate what is contained therein. If equipped with a lock, a buzzer shall be activated when locked or be connected through ignition interlock to prevent bus from starting.*

*"School bus" means any motor vehicle, except a commercial bus, station wagon, automobile, or truck which is designed and used primarily for the transportation of pupils to and from public school, which is painted yellow with the words "School Bus" in black letters of specified size on front and rear, and which is equipped with the required warning devices.*

*"School bus metropolitan type" means a body installed upon a chassis, with the engine mounted in the front, midship, or rear, with a gross weight rating of more than 10,000 pounds, designed for carrying more than 10 persons. The engine may be behind the windshield and beside the driver's seat; it may be at the rear of the bus, behind the rear wheels, or midship between the front and rear axles. The entrance door is ahead of the front wheels.*

*"School Bus - Type I" means conventional and metropolitan type buses that range from 16 to 84 passenger capacity.*

*"School Bus - Type II" means small van conversion and cutaway van type buses that range from 4 to 15 passenger capacity.*

*"Undercoating modified test procedure" means test panels are to be prepared in accordance with paragraph 4.6.12 of TT-C-520a with modified procedure requiring that test be made on a 48-hour air cured film at thickness recommended by compound manufacturer.*

## PUPIL TRANSPORTATION

### I. General regulations

# Proposed Regulations

~~II. Distribution of regular pupil transportation fund~~

~~III. Reimbursement from special pupil transportation fund~~

~~IV. Requirements for school bus drivers~~

~~V. Minimum standards for school buses in Virginia~~

## PART II. GENERAL REGULATIONS.

### I. General Regulations

~~1. § 2.1.~~ The greatest care shall be exercised at all times in the transportation of school children.

~~2. § 2.2.~~ A school bus transporting school pupils shall be operated at a safe speed not in excess of 35 miles per hour, or minimum legal speed allowable; except, on interstate highways and when no stops are made to pick up or discharge pupils between the point of origin and the point of destination the speed shall not be in excess of 45 miles per hour.

~~3. § 2.3.~~ The number of pupils who may ride a school bus shall be determined by the total number who can be seated and who, for short distances, can stand in the aisle back of the driver's seat. Pupils shall not be permitted to stand by the side of the driver, in the stepwell, or between the driver and the entrance door.

~~4. § 2.4.~~ Written contracts shall be made by the school board, on a form to be prescribed by the Superintendent of Public Instruction, with all regular school bus drivers before they begin their duties. Such contracts shall be signed ; in duplicate , each party holding a copy thereof. Substitute drivers shall meet the requirements prescribed for regular bus drivers and shall be approved and paid by the local school board.

~~5. § 2.5.~~ The school bus driver shall open and close the entrance door and keep it securely closed while the bus is in motion. This responsibility shall not be delegated to any other person.

~~6. § 2.6.~~ Every school bus operated at public expense for the purpose of transporting school children shall be equipped with traffic warning devices of the type prescribed in the standards and specifications of the Board of Education. The warning lights shall indicate when the bus is about to stop, is stopped, and when it is loading or discharging children. The warning lights shall be in operation for a distance of not less than 100 feet before the bus stops, if the lawful speed limit is less than 35 miles per hour, and for a distance of at least 200 feet before the bus stops if the lawful speed limit is 35 miles per hour or more. When the school bus is equipped with a warning sign, the sign shall be extended when , and only when, the bus is stopped to load or discharge children.

~~7. § 2.7.~~ When loading or discharging pupils on the

highway, stops shall be made in the right-hand lane and shall be made only at designated points where the bus can be clearly seen for a safe distance from both directions. While stopped, the driver shall keep the school bus warning devices in operation to warn approaching traffic to stop and allow pupils to cross the highway safely. Pupils who must cross the road shall be required to cross in front of the bus. They shall be required to walk to a point 10 feet or more in front of the bus, stop before reaching a position in line with the left side of the bus, and await a signal from the bus driver to start across the highway.

On dual highways divided by a physical barrier or unpaved area, buses shall be routed so that pupils will be picked up and discharged on the side of the road on which they live.

~~8. § 2.8.~~ Persons operating a school bus equipped with a safety lap belt assembly shall wear it while school children are being transported. ( For statutory provision, see Section § 46.1-287.2 of the Code of Virginia )

~~9. § 2.9.~~ Pupils riding in Type II school buses equipped with passenger restraint belts shall wear them while the bus is in motion.

~~10. § 2.10.~~ Pupils who ride school buses shall receive at least twice annually, instruction in rider safety and shall practice emergency exist drills.

~~11. § 2.11.~~ Every vehicle used in transporting school pupils and personnel at public expense shall be covered by insurance that will provide financial assistance to pupils and personnel in case of injuries or deaths resulting from an accident. Insurance is required by law in the following minimum amounts:

1. Public liability or bodily injury, including death:
  - a. per person, or lower limit ..... \$50,000.00
  - b. per accident, or upper limit ..... \$200,000.00
2. Property damage liability ..... \$10,000.00
3. Uninsured motorists coverage - equal to aforesaid limits of liability
4. Medical payment-per person ..... \$1,000.00

( As to school bus insurance, see Sections §§ 22.1-188 to 22.1-198 *Virginia School Laws of the Code of Virginia* )

~~12. § 2.12~~ School buses shall be inspected carefully by competent mechanics immediately before being used in the fall and at least once every 30 operating days or every 1,500 miles traveled, ~~which ever~~ whichever occurs first. The inspections shall be recorded on a form prescribed by the Board of Education. If the inspections are not made in a shop operated by the school board, the

# Proposed Regulations

school board shall designate one or more mechanics or centers to make the inspections and require a copy of the results of the inspection to be furnished to the division superintendent.

~~13.~~ § 2.13. A written report, on forms furnished by the Board of Education, of any accidents involving school buses, pupils, and personnel who ride school buses (including injury or death while crossing the road, waiting at bus stops, etc.) shall be sent to the state Supervisor of Pupil Transportation by the division superintendent within five days from the date of the accident. The report shall give the apparent cause of the accident, the extent of injuries to pupils or others, and the amount of property damage.

14. § 2.14. All school buses in operation shall be carefully scheduled on routes to schools. The schedule shall show the time the bus starts in the morning, the time it leaves each point at which pupils are taken on, and the time of arrival at school. It shall also show the bus's odometer reading at the beginning of the route where the first pupil is picked up, where other stops are made, and the reading upon arrival at school. One copy of such schedule shall be kept in the bus and one copy shall be kept in the office of the division superintendent of schools.

~~15.~~ § 2.15. School bus routes shall be reviewed at least once each year for safety hazards, fuel conservation, and to assure maximum use of buses.

16. § 2.16. School buses shall stop, as required by law, at railway grade crossings. The bus driver shall open the entrance door of the bus and determine when it is safe for the vehicle to cross the railroad tracks. The entrance door shall be closed when the bus is in motion. No stop need be made at any grade crossing where traffic is directed by a police officer or a green traffic-control signal.

17. § 2.17. School boards shall require that a report on the number of pupils transported and miles traveled be made by all school bus drivers to principals or other designated school officials.

~~18.~~ § 2.18. A record showing maintenance performed and operational cost shall be maintained for each publicly owned bus.

~~19.~~ § 2.19. Local school boards shall adopt policies, consistent with provisions of Virginia School Laws, before establishing a practice of collecting transportation fees from pupils or receiving contributions from other sources for activities sponsored by schools under their authority. No pupil whose parent or guardian is financially unable to pay the ~~prorate~~ *pro rata* cost of the trip may be denied the opportunity to participate.

20. § 2.20. The lettered identification and traffic warning lights on the front and rear of school buses shall be covered with opaque detachable material when they are

used for purposes other than to transport pupils on regular routes to and from school, or on special trips to participate in contests of various kinds, and for supplementary education purposes. This does not apply when the bus is being used to transport elderly or mentally or physically handicapped persons. (See § 22.1-183 of the Code of Virginia )

~~21.~~ § 2.21. The use of posters, stickers, or advertising material of any kind is prohibited in or on school buses.

~~22.~~ § 2.22. No object shall be placed in the bus that will restrict the passage to the entrance or emergency doors.

## PART III. DISTRIBUTION OF REGULAR PUPIL TRANSPORTATION FUND.

### H. Distribution of Regular Pupil Transportation Fund

§ 3.1. Pupil transportation funds for the local school divisions of the state are distributed on the following bases:

1. A. Forty percent of the fund is distributed on the basis of an equal amount for each mile traveled transporting pupils to and from the public schools in school buses meeting the standards and specifications of the Board of Education.

Average daily mileage is computed for each bus from the point where the first pupil is picked up in the morning to the point where the last pupil is discharged in the afternoon, including regularly scheduled trips between schools, but excluding all special trips and excursions. If the length of a bus route is changed during the year, the average of the daily mileage shall be used.

2. B. Forty percent of the fund is distributed on the basis of an equal amount for each pupil transported in average daily attendance (average number transported daily) in school buses meeting the standards and specifications of the Board of Education.

3. C. Twenty percent of the fund is distributed on the basis of an equal amount for each school bus, in daily use during the current year, which meets the standards and specifications of the Board of Education and which is operated in the transportation of pupils a minimum of 12 miles per school day; provided, that the minimum of 12 miles shall not be applicable to small buses with a pupil capacity of 15 or fewer pupils.

4. D. No reimbursement shall be made for any bus which does not pass the regular inspections required by state law, regulations of the Board of Education and the annual inspection by personnel of the Department of Education.

5. E. No reimbursement shall be made for buses or miles traveled unless the bus transports pupils both from



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home to school and from school to home.

6- F. School divisions shall be eligible for reimbursement for transportation of pupils in kindergarten through grade 12 and for handicapped children age 2 to 21 as defined in § 22.1-213 of the Code of Virginia , paragraph 1.

7- G. No reimbursement shall be made for pupils or miles traveled if transportation assistance is received from other state or federal sources.

8- H. Reimbursement shall be allowed for transporting pupils from an adjoining school division only when such arrangement has been mutually agreed upon by the school boards involved.

9- I. No school division shall receive reimbursement in excess of the amount actually expended for transportation of pupils to and from the public school, exclusive of capital outlay, replacement of buses, special trips, and the gas tax refund during the preceding year.

(a) 1. In making the distribution, calculations shall be based on the number of pupils and miles for the preceding school year, except in the case of the number of buses for which current figures shall be used.

(b) 2. The computation for reimbursement of school divisions during their first year of school bus operation shall be based on the number of pupils and miles for the current year.

10- J. Reimbursement shall be based upon the actual number of school days pupils are transported during the regular school session.

11- K. Before any reimbursement for the transportation of pupils to and from public schools is made to a school division, a report must be submitted by the division superintendent to the Superintendent of Public Instruction certifying the correct net operating cost of transporting pupils (actual expenditure, less gas tax refunds), the average number of pupils transported daily, and the average daily mileage of each bus meeting the standards and specifications of the Board of Education used in transporting pupils for the preceding school year. Such report shall also include a statement covering the type of bus, letter identification, color, make and model of the body and chassis, an inventory of all safety equipment, and indicating that the bus meets inspection requirements. Information on the evaluation of the pupil transportation program also shall be furnished annually on forms provided by the State Department of Education.

## PART IV. REIMBURSEMENT FROM SPECIAL PUPIL TRANSPORTATION FUND.

### III. Reimbursement from Special Pupil Transportation Fund

1- § 4.1. Funds shall be available to school divisions for eligible pupils transported through contracts with public transportation systems (transit) for which other state aid is not available.

2- § 4.2. Local school boards shall be eligible for the same percentage of reimbursement of their expenditure for the transportation of eligible public school pupils on public transportation systems (transit) when part of the expense is borne by the pupil or parent.

3- § 4.3. Reimbursement shall be based on the actual number of pupils being transported, as certified by the division superintendent. Application for reimbursement shall be submitted on forms furnished by the Department of Education.

4- § 4.4. Transportation provided for pupils eligible for reimbursement under contracts with public transportation systems shall meet those regulations established for commercial vehicles by the State Corporation Commission and other applicable state and federal regulations, or such vehicles shall meet all standards, rules, and regulations established by the Board of Education for public school bus systems. School divisions will not be eligible to include pupils transported in vehicles commonly referred to or licensed as passenger cars, cabs, and taxis.

5- § 4.5. The local school board shall make provisions when such transportation is provided that each vehicle be operated and maintained so as to insure safe service to the pupils. Insurance shall be provided by the owner of such vehicle(s) in amounts not less than those provided for in § 22.1-190 of the Code of Virginia. Evidence of such insurance shall be on file in the school board office.

6- § 4.6. Reimbursement shall be available for pupils who are transported to and from public schools for the regular school session and will not be available for special trips and extra-curricular activities.

7- § 4.7. In no case ; shall reimbursement exceed local school board expenditures for transporting such pupils.

8- § 4.8. The reimbursement shall be distributed on the following basis:

1. For counties or towns: The amount of reimbursement shall not exceed the average per pupil reimbursement for the previous school year for each pupil transported by county or town school divisions that operate a school bus system.

2. For cities: The amount of reimbursement shall not exceed the average per pupil reimbursement for the previous school year for each pupil transported by city school divisions that operate a school bus system.

NOTE: § 4.9. The average per pupil reimbursement shall be determined by dividing the total reimbursement paid to all divisions in the county-town category or the city

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category by the total average daily attendance of pupils transported in each respective category.

§ 4.10. In the event sufficient funds are not available to reimburse for the total number of pupils eligible, this fund shall be distributed on pro rata basis.

## PART V. REQUIREMENTS FOR SCHOOL BUS DRIVERS.

### IV. Requirements for School Bus Drivers

§ 5.1. No school board shall hire, employ, or enter into any agreement with any person for the purposes of operating a school bus transporting pupils unless the person shall:

A. Have a physical examination of a scope prescribed by the Board of Education with the advice of the Medical Society of Virginia and furnish a form prescribed by the Board of Education showing the results of such examination.

1. No person shall drive a school bus unless he is physically qualified to do so and has submitted a School Bus Driver's Application For Physician's Certificate signed by the applicant and the doctor for the applicable employment period.

2. A person is physically qualified to drive a school bus if he:

a. Has no loss of a foot, a leg, a hand, or an arm which interferes with the ability to control and safely drive a school bus;

b. Has no impairment of the use of a foot, a leg, a hand, fingers, or an arm, and no other structural defect or limitation likely to interfere with his ability to control and safely drive a school bus;

c. Has no known medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control likely to interfere with his ability to control and safely drive a school bus;

d. Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure;

e. Has no known medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his ability to control and drive a school bus safely;

f. Has no known current clinical diagnosis of high blood pressure likely to interfere with his ability to operate a school bus safely;

g. Has no known medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease which would interfere with his ability to control and operate a school bus safely;

h. Has no known medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a school bus;

i. Has no known mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his ability to drive a school bus safely;

j. Has both distant and near visual acuity of at least 20/40 (Snellen) in each eye with or without corrective lenses, and field of vision of at least 70 degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber;

k. First perceives a forced-whispered voice in the better ear at not less than five feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5-1951; and

l. Does not use an amphetamine, narcotic, or any habit-forming drug without appropriate physician supervision.

B. Furnish a statement or copy of records from the Division Department of Motor Vehicles showing that the person, within the preceding five years, has not been convicted of a charge of driving under the influence of intoxicating liquors or drugs, convicted of a felony, or assigned to any alcohol safety action program or driver alcohol rehabilitation program pursuant to § 18.2-271.1 of the Code of Virginia or, within the preceding 12 months, has been convicted of two or more moving traffic violations or has been required to attend a driver improvement clinic by the Commissioner of the Division Department of Motor Vehicles pursuant to § 46.1-514.11 of the Code of Virginia .

C. Furnish a statement signed by two reputable residents of the school division that the person is of good moral character.

D. Exhibit a license showing the person has successfully undertaken the examination prescribed by § 46.1-370 of the Code of Virginia .

E. Has reached the age of 17 and has not reached the

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age of 70 on the first day of the school year. (§§ 46.1-169 and 22.1-178 of the Code of Virginia, and Exemption of Hazardous Occupations Order No. 2, U.S. Department of Labor)

2. § 5.2. Any school board may require successful completion of the American Red Cross first-aid course as a condition to employment to operate a school bus transporting pupils.

3. § 5.3. The documents required pursuant to paragraphs §§ 5.1 A. and 5.1 B. of these regulations shall be furnished annually within 30 days prior to the anniversary date of the employment to operate a school bus. A school board may require the statement set forth in paragraph § 5.1. C. to be furnished periodically.

4. § 5.4. The documents required pursuant to this section shall be filed with, and made a part of, the records of the school board employing such person as a school bus operator.

5. § 5.5. The State Department of Education shall furnish to the division superintendents the necessary forms for applicants to use to provide the information required by this section. Insofar as practicable, such forms shall be designed to limit paperwork, avoid the possibility of mistakes, and furnish all parties involved with a complete and accurate record of the information required. (§ 22.1-178 of the Code of Virginia )

6. § 5.6. As a condition to employment, every school bus driver shall submit a certificate signed by a licensed physician stating that the employee appears free of communicable tuberculosis. The school board may require the submission of such certificates annually, or at such intervals as it deems appropriate, as a condition to continued employment. (§ 22.1-300 of the Code of Virginia)

7. § 5.7. No person shall drive a school bus upon a highway in this state the Commonwealth unless such person has had a reasonable amount of experience in driving motor vehicles, and shall have passed a special examination indicating the ability to operate a school bus without endangering the safety of pupil passengers and persons using the highway. To prepare for the examination required by this section, any person holding a valid operator's license issued under the provisions of § 46.1-369 of the Code of Virginia , may operate, under the direct supervision of a person holding a valid school bus license endorsement, a school bus which contains no pupil passengers. The ~~Division~~ Department of Motor Vehicles shall adopt such rules and regulations to provide for the examination of persons desiring to qualify to drive such buses in this state and for the granting of permits to qualified applicants. (§ 46.1-370 of the Code of Virginia )

8. § 5.8. Every driver of a school bus shall receive instruction before being allowed to operate a bus transporting children. This instruction shall include classroom, demonstration, and behind-the-wheel instruction.

The length of the instructional program shall be determined by the experience of the applicant.

A. Classroom instruction shall include, but not be limited to, the following:

1. Responsibilities of the driver, pupil, parent, principal, and superintendent;
2. Applicable laws and regulations;
3. Local reports and policies governing pupil transportation;
4. Proper driving practices; and
5. Planning for emergencies.

B. Demonstration instruction:

1. Pre-trip instruction;
2. Care of school bus;
3. Emergency evacuation drills;
4. Proper driving practices; and
5. Defensive driving techniques.

C. Behind-the-wheel instruction - under supervision of trainer:

1. Operate empty bus until proficient; and
2. Operate loaded bus - (minimum-complete route for two days).

The superintendent or his designee shall maintain a record showing that the applicant has completed the training and has been approved to operate a school bus.

9. § 5.9. In-service training shall be devoted to improving the skills, attitudes, and knowledge of all school bus drivers. At least two hours of in-service training shall be provided the first half of the school year and at least two hours during the second half.

10. § 5.10. The driver of a school bus shall be under the general direction and control of the superintendent and school board ~~and~~ or the supervisor of transportation, and shall also be accountable to the principal of the school to which transportation is provided.

11. § 5.11. The driver of a school bus shall perform a daily pretrip safety inspection of the vehicle.

12. § 5.12. The driver of a school bus shall report to the principal misconduct of pupils on the school bus or at waiting stations or stops on the way to or from school and shall be guided by the principal's advice and direction,

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subject to the regulations of the school board. When it becomes necessary for the driver to correct pupils, the driver shall stop at the nearest and safest place and restore order before proceeding. In no case shall a driver put a pupil off the bus between home and school as a disciplinary measure.

## PART VI. MINIMUM STANDARDS FOR SCHOOL BUSES IN VIRGINIA.

### V. Minimum Standards for School Buses in Virginia

#### Article 1. General Requirements.

1. "School Bus" is defined as any motor vehicle, except a commercial bus, station wagon, automobile, or truck, which is designed and used primarily for the transportation of pupils to and from public school, which is painted yellow with the words "School Bus" in black letters of specified size on front and rear, and which is equipped with the required warning devices.

2. § 6.1. The responsibility for compliance with these school bus specifications rests with dealers and manufacturers. If any dealer or manufacturer sells school bus vehicles which do not conform to any or all of these specifications, a general notice will be sent to all school divisions advising that equipment supplied by such dealer or manufacturer will be disapproved for school transportation until further notice. A copy of the notice will be sent to the dealer or manufacturer and will remain in effect until full compliance by the dealer or manufacturer is assured.

Dealers and manufacturers shall be given at least thirty days' notice of any changes in the specifications.

3. § 6.2. Minimum standards are applicable to all purchases of school bus equipment, new or used.

4. § 6.3. Buses must conform to the specifications relative to construction and design effective at the date of purchase. Any variation from the specifications, in the form of additional equipment or changes in style of equipment, without prior approval of the Supervisor of Pupil Transportation is prohibited.

5. § 6.4. The Superintendent of Pupil Instruction is authorized to make such adjustments from time to time in technical specifications as are deemed necessary in the interest of safety and efficiency in school bus operation. Authority is also granted for conducting investigations and field tests of certain pertinent vehicle components.

6. § 6.5. All publicly owned, part publicly owned, or contract school buses, transporting pupils to and from public school, shall be painted a uniform color, national school bus yellow, and shall be identified and equipped as outlined in the standards and specifications.

7. § 6.6. Each school bus shall be given a number starting at one and continuing consecutively to the highest number which will be the total number of buses used. The number shall conform with that contained in the school bus inventory and record report. When a bus is sold or discarded, the number assigned to it should be given to a new bus. The numbers should remain consecutive with as few unassigned numbers as possible.

8. § 6.7. Type I buses of conventional and metropolitan type range from 16 to 84 passenger capacity. Type II buses of small van conversion and cutaway van type range from 4 to 15 passenger capacity.

#### Article 2. The Bus Chassis.

##### § 6.8. Air cleaner.

Bus shall be equipped with adequate oil-bath, dry element, or equivalent air cleaner mounted outside the passenger compartment.

##### § 6.9. Alternator.

Alternator with rectifier shall have minimum output of at least 65 amperes with charge at idle type (12-volt system), and shall be ventilated, voltage-controlled, and current-controlled. Dual belt drive shall be used.

Exception - Small vehicles below 20 passenger capacity.

Alternator with rectifier shall have minimum output of at least 60 amperes with 12-volt system and shall be ventilated, voltage-controlled, and current controlled.

##### § 6.10. Axles (See table , 1 page 200 for capacities )

1. A. Front axle or suspension shall be of sufficient capacity at ground to support a load which would be ten percent in excess of actual gross vehicle weight.

2. B. Rear axle shall be single speed, full-floating type. Rear axle or other type of suspension assembly shall have gross weight rating at ground equal to or exceeding that portion of total weight which is supported by rear-suspension assembly.

##### 1. Exception - Type II vehicles.

Requirement for full-floating rear axle does not apply to small vehicles (conversion type) approved as school buses.

##### 2. Exception - Metropolitan type vehicles.

1. a. Front axle shall be wide-track, heavy-duty, bus type and shall have gross weight rating at ground equal to or exceeding that portion of total load which is supported by front axle.

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2- b. Rear axle shall be single speed, full-floating, heavy-duty, bus type and shall have gross weight rating at ground equal to or exceeding that portion of total load which is supported by rear axle.

## § 6.11. Battery.

1- A. Storage battery, as established by manufacturer's rating, shall be of sufficient capacity to handle starting, lights, signal devices, heating, and other electrical equipment.

2- B. No bus shall be equipped with a battery of less than 460 amperes cold cranking current at 0°F with 120 minutes reserve capacity at 80°F.

3- C. Battery shall be mounted in the engine compartment or in a body compartment in an adequate carrier and be readily accessible for servicing or removal. Annual chassis requirements will specify battery location for different types of chassis.

4- D. When battery is to be mounted outside of engine compartment, it may be temporarily mounted to chassis. Body company will permanently mount battery on sliding tray located in the left side of body skirt. Battery shall be connected with one-piece cables of sufficient length to allow tray to be pulled out for servicing. Cables shall be at least one gauge color coded, red positive-black ground.

## § 6.12. Brakes.

1- A. Four-wheel brakes, adequate at all times to control bus when fully loaded, shall be provided in accordance with Federal Motor Vehicle Safety Standards. (See table 1, page 209 )

2- B. Foot or service brakes shall meet Federal Motor Vehicle Safety Standard 105 for hydraulic brakes, and Standard 121 for air brakes except for deletion of anti-skid system on air brake models.

3- C. Chassis shall be equipped with auxiliary brakes capable of locking rear wheels, and capable of holding vehicle on any grade on which it is operated under any conditions of loading on a surface free from snow or ice. Operating controls of such auxiliary brakes shall be independent of operating controls of service brakes.

4- D. Chassis designed for any bus body shall be equipped with full compressed air brakes, split hydraulic vacuum actuated power, or assistor-type brakes.

a- 1. Such installation shall be made by authorized representative of chassis or brake manufacturer and shall conform to recommendation of that manufacturer.

b- 2. Hydraulic line pressure shall not exceed recommendation of chassis or brake manufacturer.

e- 3. Reservoir capacity shall be at least 1,650 cubic inches for full compressed air systems, and at least 1,000 cubic inches, or equivalent, for vacuum actuated systems.

d- 4. Buses having full compressed air systems shall be equipped with:

(1) a. At least two reservoirs for the service brake (or one vessel divided into two compartments connected in series) and one 1,000 inch reservoir for the auxiliary braking system;

(2) b. Safety valve mounted on the first reservoir to protect air brake system against excessive air pressure, and check valve mounted in optional location;

(3) c. Air gauge mounted on instrument panel to register air pressure in air brake system; (See instruments and instrument panel, page 207 § 6.27 A.8 of these regulations) and

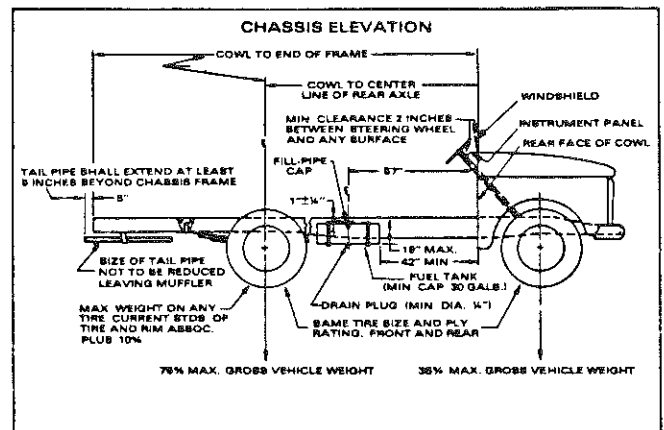
(4) d. Audible low pressure indicator to warn driver if air pressure in air brake system falls below 60 pounds per square inch.

e- 5. Buses having vacuum actuated systems shall be equipped with check valve located between source of supply and reservoir.

6. Exception - Type II vehicles.

Reserve vacuum tank not required.

Diagram 1.



## § 6.13. Bumper, front.

1- A. Front bumper shall be heavy-duty, channel steel at least seven inches in width with 3/16-inch thickness, painted black, and shall be furnished by chassis manufacturer as part of chassis.

2. B. Front bumper must extend to outer edges of fenders at bumper top line (to assure maximum fender protection) and be of sufficient strength to permit pushing vehicle of equal gross weight without permanent distortion to bumper, chassis, or body.

C. Exception - Type II vehicles.

Bumper shall be manufacturer's standard painted black.

D. Exception - Metropolitan type vehicles.

Same as above, except that front bumper shall be furnished by body manufacturer.

§ 6.14. Clutch.

Torque capacity shall be equal to or greater than the engine torque output.

Passenger Capacity .....	Minimum Diameter
up to 16 .....	11
16-54 .....	12
64-76 gas .....	13
64-84 diesel .....	14

§ 6.15. Color.

1. A. Chassis, including wheels, and front bumper shall be black. \*

2. B. Hood, cowl, and fenders shall be national school bus yellow. \*\*

3. C. Grill shall be national school bus yellow, if painted; otherwise, it shall be chrome or anodized aluminum.

\*Federal Standard No. 594, black enamel #17038. Color chips are available from General Services Administration, Business Service Center, Region 3, Seventh and D S.W., Washington, D.C. 20026

\*\*Color chips are SBMI Color Standard 008.

§ 6.16. Drive shaft.

A. Drive shaft shall be protected by metal guard or guards to prevent it from whipping through floor or dropping to ground if broken.

B. Exception - Type II vehicles.

Standard does not apply to conversion vans.

§ 6.17. Electrical system.

1. Battery - see page 203 § 6.11.
2. Alternator - see page 203 § 6.9.
3. Lights and signals - see page 207 § 6.28.
4. Wiring - see page 225 § 6.91.
5. Chassis manufacturer shall install readily accessible electrical terminal so that body and chassis electrical load can be recorded through chassis ammeter or voltmeter without dismantling or disassembling chassis component. Chassis wiring system to terminal shall have minimum 100-ampere capacity. Chassis ammeter or voltmeter and wiring shall be compatible with generating capacity, and ammeter shall be capable of recording continuous draw of 100 amperes.
6. Each chassis circuit shall be color coded and a diagram of the circuits shall be included with the chassis.

§ 6.18. Engine.

The engine shall be of the internal-combustion, four-stroke cycle type, having not less than six cylinders. Thermostats with not less than 175° - 195°F rating shall be provided. Engine shall be equipped with a crankcase ventilating system to meet federal requirements. (See table 1 page 209 )

§ 6.19. Exhaust system.

1. Exhaust pipe, muffler, and tail pipe shall be outside bus body attached to chassis.
2. Tail pipe shall be constructed of seamless or electrically welded tubing of 16-gauge steel or equivalent, and shall extend at least five inches beyond chassis frame. (See tail pipe, page 223 § 6.82.)
3. Size of tail pipe shall not be reduced after it leaves muffler.
4. Exhaust system shall be properly insulated from fuel tank and tank connections by securely attached metal shield at any point where it is 12 inches or less from tank or tank connections.
5. Muffler shall be constructed of corrosion-resistant material.
6. Exception - Vehicles below 20 passenger.

Tail pipe may exit behind rear wheel.

§ 6.20. Fenders, front.

1. Total spread of outer edges of front fenders, measured at fender line, shall exceed total spread of front tires when front wheels are in straight-ahead

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position.

2. Front fenders shall be properly braced and free from any body attachment.

3. Chassis sheet metal shall not extend beyond rear face of cowl.

## § 6.21. Frame.

1. Frame or equivalent shall be of such design as to correspond at least to standard practice for trucks of same general load characteristics which are used for severe service.

2. When frame side members are used, they shall be of one-piece construction. If frame side members are extended, such extension shall be designed and furnished by chassis manufacturer with a guarantee, and installation shall be made by either chassis or body manufacturer and guaranteed by company making installation. Extensions of frame lengths are permissible only when such alterations are behind rear hanger of rear spring, and shall not be for purpose of extending wheel base.

3. Holes in top or bottom flanges of frame side rails shall not be permitted except as provided in original chassis frame. There shall be no welding to frame side rails except by chassis or body manufacturer.

## § 6.22 Frame length - (See *Body Sizes*, page 210 § 6.44 )

## § 6.23. Fuel tank.

1. Fuel tank equipped with protective cage to meet FMVSS 301 shall have minimum capacity of 30 gallons, and be mounted directly on right side of chassis frame, filled and vented entirely outside body.

2. Fuel filter with replaceable element shall be installed between fuel tank and carburetor.

3. Fuel tank, fittings or lines, shall not extend above top of chassis frame rail.

4. If tank sizes other than 30 gallons are supplied, location of front of tank and filler spout must remain as specified below.

5. Drain plug at least 1/4 inch in diameter shall be located in center of bottom of tank.

**NOTE:** 6. Measurements shown below are for guidance of chassis manufacturers and serve only to prevent need for replacement of original tank. (Inspectors concerned with state or local approval of vehicle need not consider them unless tank does not fit.)

a. Tank or cage shall not extend in height above side member of chassis.

b. Distance from center line of chassis to outside of tank cage shall not be more than 44 inches.

c. Bottom of tank cage shall not be more than 19.0 inches below top of frame.

d. Distance from cowl to front of tank shall be 42 inches minimum.

e. Distance from cowl to center of fillpipe cap shall be 57 inches.

f. Distance from center line of chassis to center of fillpipe cap shall be 39.5 inches with plus or minus tolerance of 1/2 inch permitted.

g. Center of fillpipe cap shall be one inch below top of frame with plus or minus tolerance of 1/4 inch permitted.

## 7. Exceptions.

1- a. For Type II vehicles, the fuel tank shall be manufacturer's standard, mounted, filled, and vented outside of body.

2- b. For school bus of body-on-chassis type with manufacturer's rated seating capacity of 16 to 20 passengers, inclusive, fuel tank may, due to space limitation, be mounted behind rear wheels with fillpipe on right side of body and have capacity of less than 30 gallons.

3- c. On metropolitan type school buses, fuel tank of minimum 30-gallon capacity shall be mounted on right frame rail, and measurements in notes d and e above should be from forward service door post.

## § 6.24. Governor.

1. An approved engine governor set at 3,400 RPM is required.

2. An approved road speed control governor shall be required and set at a maximum speed of 45 mph.

## § 6.25. Heating system, provision for.

1- The chassis engine shall have plugged openings for the purpose of supplying hot water for the bus heating system. The opening shall be suitable for attaching 3/4-inch pipe thread/hose connector. The engine shall be capable of supplying water having a temperature of at least 170°F at a flow rate of 50 pounds/per minute at the return end of 30 feet of one-inch inside diameter automotive hot water heater hose. (SBMI Standards No. 001-Standard Code for Testing and Rating Automotive Bus Hot Water Heating and Ventilating Equipment.)

## § 6.26. Horn.

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1- Bus shall be equipped with dual horns of standard make which meet requirements of Federal Motor Vehicle Standards.

## § 6.27. Instrument and instrument panel.

1- A. Chassis shall be equipped with following instruments and gauges:

- a- 1. Speedometer which will show speed;
- b- 2. Odometer which will show accrued mileage, including tenths of miles;
- e- 3. Ammeter with graduated scale;
- d- 4. Oil-pressure gauge;
- e- 5. Water-temperature gauge;
- f- 6. Fuel gauge;
- g- 7. Upper-beam headlamp indicator; and
- h- 8. Air-pressure or vacuum gauge, where air or vacuum brakes are used, and audible low-pressure indicator to warn driver if air pressure in air brake system falls below 60 pounds per square inch.

2- B. All instruments or gauges shall be mounted on instrument panel in such manner that each is clearly visible to driver in normal seated position. Lights in lieu of gauges are not acceptable.

### C. Exceptions.

On all small vehicles, both the ammeter or voltmeter and its wiring are to be compatible with generating capacity; also, Item h § 6.27 A.8 does not apply.

## § 6.28. Lights and signals.

1. Each chassis shall be equipped with not less than two sealed beam headlights - beam controlled, and stop and tail lights, and two front turn signal lamps mounted on front fenders.
2. Lights shall be protected by fuse or circuit breakers.
3. Self-canceling directional signal switch shall be installed by the chassis manufacturer.
4. An approved back-up alarm signal is permissible.

## § 6.29. Oil filter.

Oil filter of replacable element or cartridge type shall be provided and shall be connected by flexible oil lines if it is not of built-in engine-mounted design. Oil filter shall have oil capacity of at least one quart.

## § 6.30. Openings.

All openings in floorboard or firewall between chassis and passenger-carrying compartment, such as for gearshift lever and auxiliary brake lever, shall be sealed unless altered by body manufacturer. (See item 11 under Construction, page 211 § 6.51 K.)

## § 6.31. Over-all length.

Over-all length of a conventional bus shall not exceed 36 feet and metropolitan type not to exceed 40 feet.

## § 6.32. Passenger load.

1- Gross vehicle weight (i.e., wet weight, plus body weight, plus driver's weight of 150 pounds, plus weight of maximum seated pupil load based on not less than 120 pounds per pupil) shall not exceed maximum gross vehicle weight rating as established by manufacturer.

## § 6.33. Power or gradeability.

1- Chassis must be so geared and powered as to be capable of surmounting 3.7 percent grade at speed of at least 20 miles per hour with full load on continuous pull in direct drive.

## § 6.34. Shock absorbers.

1- Bus shall be equipped with front and rear double-acting shock absorbers compatible with manufacturer's rated axle capacity.

## § 6.35. Springs.

1. Springs or suspension assemblies shall be of ample resiliency under all load conditions and of adequate strength to sustain loaded bus without evidence of overload. (See table page 209 1)

2. Springs or suspension assemblies shall be designed to carry their proportional share of gross vehicle weight in accordance with requirement for "Weight Distribution" as shown on page 208 in § 6.40.

3. Rear springs shall be of progressive or variable type.

4. Stationary eye of the front spring shall be protected by full wrapper leaf in addition to main leaf.

Exception - Type II vehicles.

Springs that are regular equipment on vehicle to be purchased may be used.

## § 6.36. Steering gear.

1. Steering gear shall be approved by chassis manufacturer and designed to assure safe and accurate



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performance when vehicle is operated with maximum load and maximum speed.

2. Steering mechanism shall provide for an easy adjustment for lost motion.
3. No changes shall be made in steering apparatus which are not approved by chassis manufacturer.
4. There shall be clearance of at least two inches between steering wheel and cowl instrument panel, windshield, or any other surface.
5. Power steering is required. It shall contain a provision to automatically bleed air from unit.

## § 6.37. Tires and rims.

1. Tire and rim sizes, based upon current standards of Tire and Rim Association, shall be required. (See table ; page 200 1)
2. Total weight imposed on any tire shall not be above current standard of Tire and Rim Association.
3. Dual rear tires shall be provided on all vehicles.
4. All tires on given vehicles shall be of same size and ply rating.
5. Spare tire, if required, shall be suitably mounted in accessible location outside passenger compartment.

Exception - Type II vehicle - conversion van.

Same as above, except that dual rear tires are not required and spare tire rack may be inside passenger compartment provided it does not interfere with aisle width or passenger seating.

## § 6.38. Transmission.

1. Mechanical type transmission shall be synchromesh except first and reverse gears. Its design shall provide not less than four forward and one reverse speeds. With five-speed transmission, fifth gear shall be direct.
2. Transmission overdrive is not permitted.
3. Automatic transmissions are permissible when equipped with a parking pawl or when installed on a bus equipped with an air operated emergency brake system.

Exception - Type II vehicles.

Three-speed transmissions are acceptable.

## § 6.39. Turning radius.

Chassis with a wheel base of 264 inches or less shall

have a right and left turning radius of not more than 42 1/2 feet, curb to curb measurement.

## § 6.40. Weight distribution.

A. Weight distribution of fully loaded bus on level surface shall be such that not more than 75% of gross vehicle weight is on rear tires, and not more than 35% is on front tires.

B. Exception - Metropolitan type vehicles.

With engine inside front of body, if entrance door is ahead of front wheels, not more than 75% of gross vehicle weight shall be on rear tires, nor more than 50% on front tires. If entrance door is behind front wheels, not more than 75% of gross vehicle weight shall be on rear tires, nor more than 40% on front tires. With engine in rear, not more than 75% of gross vehicle weight shall be on rear tires, nor more than 40% on front tires.

## § 6.41. Wheels.

Disc wheels are required. (See table below for sizes.)

Table 1.

TABLE OUTLINING MINIMUM LIMITS OF BUS CHASSIS AND TIRE AND RIM SIZES  
(Weights expressed in thousands)

Rated Pupul Seating Capacity	8-15	16-20	29-34	52	64	54
Approx. Wheel Base-Inches	125	125	151	217	254	209
Mfgs. G. V. W Rating-Pounds	7.7	12.0	16.0	19.5	23.0	29.0
Min. Cowl To Rear Axle-Inches	—	102	125	192	229	—
Min. Engine Size Cu. in. Displ.	300	300	300	300	345	427
Mfgs. Axle Rating-Pounds-Front	3.8	4.0	5.0	6.0	7.0	12.0
Rear	5.7	11.0	15.0	15.0	17.0	18.5
Approx. Rear Axle Ratio	4.1	5.2	6.2	7.2	7.2	6.8
Brake Lining Area-sq. In.	270	370	500	300	574	746
Tire and Tube Sizes-Front and Rear	8.0-16.5	8.0-19.5	8.25-20	8.25-20	9.00-20	10.00-20
Ply Rating	8	8	10	10	10	12
Rim Sizes Front and Rear	6.0	5.8	6.5	6.5	7.0	7.5
Spring-Rated Cap. at Ground-Front	1.9	2.0	3.0	3.45	3.5	9.0
Rear	2.7	3.3	7.5	7.5	8.5	9.5

## Article 3. The Bus Body.

### § 6.42. Aisle.

1. Minimum clearance of all aisles, including aisle (or passageway between seats) leading to emergency door, shall be 12 inches. (See item 2f under Doors, page 214 § 6.54 B.6)
2. Aisle supports of seat backs shall be slanted away from aisle sufficiently to give aisle clearance of 15 inches at top of seat backs.
3. Exception - metropolitan type vehicles:

1. a. With engine inside front of body: Minimum

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distance between barrier at rear of entrance stepwell and engine cover shall be 14 inches, measured at floor level.

2. b. Type II vehicles to have minimum aisle width of 15 inches.

2. c. 16-18 passenger F.C. to have minimum aisle width of 14 inches.

## § 6.43. Battery.

The battery shall be located in the engine compartment, except when otherwise specified on annual chassis specifications. (See Item 3 and 4 under Battery, page 202, § 6.11 3 and 4) when mounted outside engine compartment.

## § 6.44. Body sizes.

Sizes are based on knee-room clearance between rows of forward-facing seats, over-all width, center aisle width, and average rump width. Body lengths for various capacity units will be designated in Specification Notices, issued periodically by the Supervisor of Pupil Transportation.

§ 6.45. Bumper, front. See page 204. § 6.13 of these regulations.

## § 6.46. Bumper, rear.

1. Rear bumper shall be of pressed steel channel at least 3/16 inch by 8 inches.

2. It shall be wrapped around back corners of bus. It shall extend forward at least 12 inches, measured from rear-most point of body at floor line.

3. Bumper shall be attached to chassis frame in such manner that it may be easily removed, shall be so braced as to develop full strength of bumper section from rear or side impact, and shall be so attached as to prevent hitching of rides.

4. Rear bumper shall extend beyond rear-most part of body surface at least one inch, measured at floor line.

Exception - Type II vehicles.

Rear bumper shall be standard type furnished by chassis manufacturer as part of chassis on conversion vans. Body manufacturer will furnish bumper on cutaway chassis.

§ 6.47. Ceiling. See insulation and interior on page 26. §§ 6.62 and 6.63.

§ 6.48. Chains. See Item under wheel housings on page 224. § 6.86 D.4.

## § 6.49. Color.

1. School bus body including hood, cowl, and fenders shall be painted uniform color, national school bus yellow, \* according to specifications available from General Services Administration.

2. Grill shall be national school bus yellow, if painted; otherwise it shall be chrome or anodized aluminum.

3. Rear bumper and lettering shall be painted black. \*\*

4. Body trim shall be painted black. \*\* This includes Item 2 B. under Rub Rails, page 221, § 6.72.

5. Front turn signal lamp shall be painted black. Side body turn signals shall be black or cast aluminum.

## § 6.50. Communication system—Optional equipment.

\*See Footnote, page 205

\*\*See Footnote, page 205

1. A. Two-way communication systems. For installation and use on Virginia school buses subject to the following provisions: When two-way communication equipment is needed on school buses for administrative or operational safety, private frequencies assigned specifically to local governmental agencies by the Federal Communications Commission should be used. Two-way equipment utilizing public citizens band channels may also be used where needed to enhance the safety of school bus operation. The use of the public citizens band type shall be restricted to those owned and licensed by the school board for official use only. Such mobile units on school buses shall be subject to written policies adopted by the local school board. Installation shall be subject to the State School Bus Standards and Department Annual Inspection.

2. B. Public address system. For use by driver, the system contains an inside speaker and an external speaker which is of special use when driver needs to caution young pupils about surrounding dangers at school bus stops. Inside speakers shall be recessed.

## § 6.51. Construction. Type I and metropolitan vehicles.

1. Construction of body shall meet all requirements of Federal Motor Vehicles Safety Standards Number 220 (Roll-over), Number 221 (Joint Strength), and all other applicable federal standards.

2. Construction shall be of prime commercial quality steel or other metal with strength at least equivalent to all-steel as certified by bus body manufacturer. All such construction materials shall be fire-resistant.

3. Construction shall provide reasonable dustproof and watertight unit.

4. Bus body (including roof bows, body posts, strainers,

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stringers, floor, inner and outer linings, rub rails and other reinforcements) shall be of sufficient strength to support entire weight of fully loaded vehicle on its top or side if overturned. Bus body as unit shall be designed and built to provide impact and penetration resistance.

5. Side posts and roof bows: There shall be a body side post and roof bow fore and aft of each window opening. This may be a continuous bow or two separate pieces effectively joined.

6. Floor shall be of prime commercial quality steel of at least 14-gauge or other metal or other material at least equal in strength to 14-gauge steel. Floor shall be level from front to back and from side to side except in wheel housing, toeboard, and driver's seat platform areas.

7. Roof strainers: Two or more roof strainers or longitudinal members shall be provided to connect roof bows, to reinforce flattest portion of roof skin, and to space roof bows. These strainers may be installed between roof bows or applied externally. They shall extend from windshield header and, when combined with rear emergency door post, are to function as longitudinal members extending from windshield header to rear floor body cross member. At all points of contact between strainers or longitudinal members and other structural material, attachment shall be made by means of welding, riveting or bolting.

8. Side strainer(s): There shall be one or more side strainers or longitudinal members to connect vertical structural members and to provide impact and penetration resistance in event of contact with other vehicles or objects. Such strainer(s) shall be formed (not in flat strip) from metal of at least 16-gauge and three inches wide.

a. Side strainer(s) shall be installed in area between bottom of window and bottom of seat frame and shall extend completely around bus body except for door openings and body cowl panel. Side strainer(s) shall be fastened to each vertical structural member in any one or any combination of the following methods as long as stress continuity of members is maintained:

- a: (1) Installed between vertical members;
  - b: (2) Installed behind panels but attached to vertical members; and
  - c: (3) Installed outside external panels.
- b. Fastening method employed shall be such that strength of strainer(s) is fully utilized.
- c. Side strainer(s) of longitudinal member(s) may be

combined with one of required rub rails (see § 6.72), or be in form of additional rub rail, as long as separate conditions and physical requirements for rub rails are met. No portion of side strainer or longitudinal member is to occupy same vertical position as rub rail.

9. Rear corner reinforcements: Rear corner framing of bus body between floor and window sill and between emergency door posts and last side posts shall consist of at least three structural members applied horizontally or vertically, two of which shall be vertical, to provide additional impact and penetration resistance equal to that provided by frame members in areas of sides of body. Such structural members shall be securely attached at each end.

Exception -

Extra vertical member required in Item 9. above may be deleted on units of less than 90 inches in width.

10. Floor sills: There shall be one main body sill at each side post and two intermediate body sills on approximately 10-inch centers. All sills shall be of equal height, not to exceed three inches. All sills shall extend width of body floor except where structural members or features restrict area.

Main body sill shall be equivalent to or heavier than 10-gauge and each intermediate body sill shall be equivalent to or heavier than 16-gauge, or each of all body sills shall be equivalent to or greater than 14-gauge. All sills shall be permanently attached to floor.

b: Connections between sides and floor system shall be capable of distributing loads from vertical posts to all floor sills.

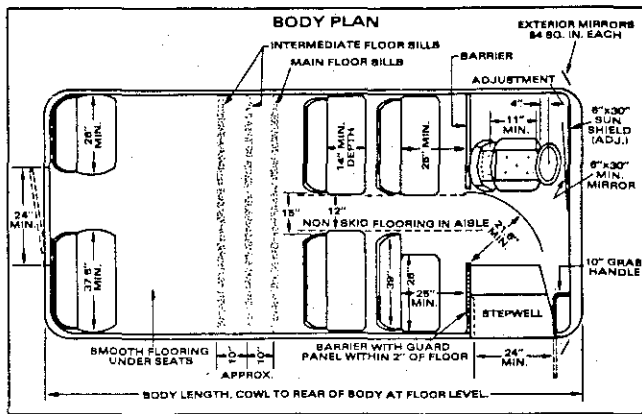
11. All openings between chassis and passenger-carrying compartment made due to alterations of body manufacturer must be sealed. (See Openings, page 221 §6.68.)

12. A cover shall be provided for the opening to the gasoline tank fillpipe.

13. A moisture and dustproof removable panel may be provided in the floor for access to the fuel tank sender gauge. It shall be designed for prolonged use and adequate fastening to the floor.

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Diagram 2.



## § 6.52. Construction - Type II vehicles.

1. Construction of body shall meet all requirements of Federal Motor Vehicle Safety Standard Number 220 (Roll-over) and all other applicable federal standards.

2. Construction shall be of prime commercial quality steel or other metal strength at least equivalent to all steel as certified by bus body manufacturer. All such construction materials shall be fire-resistant.

3. Construction shall provide reasonably dustproof and watertight unit.

4. Bus body (including roof bows, body posts, strainers, stringers, floor, inner and outer linings, rub rails and other reinforcements) shall be of sufficient strength to support entire weight of fully loaded vehicle on its top or side if overturned. Bus body as unit shall be designed and built to provide impact and penetration resistance.

5. Floor: A plywood of 1/2 inch exterior B.B. Grade or equivalent shall be applied over the existing steel floor and securely fastened. Floor shall be level from front to back and from side to side except in wheel housing, toeboard and driver seat platform areas.

### Exception -

Plywood may be deleted when provisions of Items 4 and 8a under construction of § 6.51. for Type I are met.

6. Roof strainers: Two or more roof strainers or longitudinal members shall be provided to connect roof bows to reinforce flattest portion of roof skin, and to space roof bows. These strainers may be installed between roof bows or applied externally. They shall extend from windshield header to rear body header over the emergency door. At all points of contact between strainers of longitudinal members and

other structural material, attachment shall be made by means of welding, riveting, or bolting.

After load as called for in Static Load Test Code has been removed, none of the following defects shall be evident:

1. Failure or separation at joints where strainers are fastened to roof bows;

2. Appreciable difference in deflection between adjacent strainers and roof bows;

3. Twisting, buckling, or deformation of strainer cross section.

7. Side strainers: There shall be one longitudinal side strainer mounted at shoulder level (window sill level) and extending from front main vertical post to rear corner post. This member shall be attached to each vertical structural member. Such strainer shall be formed of metal (not in flat strip).

a. There shall be one longitudinal side strainer(s) installed in the area between bottom of window and bottom of seat frame extending from front main vertical post to rear corner post. This member shall be attached to each vertical structural member.

b. Strainers may be fastened in any one or any combination of the following methods as long as stress continuity of members is maintained:

a- (1) Installed between vertical members;

b- (2) Installed behind panels but attached to vertical members; or

e- (3) Installed outside external panels.

c. Fastening method employed shall be such that strength of strainers is fully utilized.

8. Area between floor and window line shall be restructured inside to include at least four vertical formed reinforcement members extending from floor to window line rail. They shall be securely attached at both ends.

9. Rear corner reinforcements: Rear corner framing of the bus body between floor and window sill and between emergency door post and last side post shall consist of at least one structural member applied horizontally to provide additional impact and penetration resistance equal to that provided by frame members in areas of sides of body. Such member shall be securely attached at each end.

10. All openings between chassis and passenger carrying compartment made due to alterations by body manufacturers must be sealed. (See openings,

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page 221 § 6.68.)

## § 6.53. Defrosters.

Defrosters shall be of sufficient capacity to keep windshield clear of fog, ice, and snow and to defog the window to the left of the driver. (see Heater, page 216 § 6.59.) A windshield defogging fan of sufficient capacity to defog the entrance door glass shall be installed on the right side. An additional fan to the left of the driver is permissible.

Exception - Type II vehicle.

Defogging fan not required.

## § 6.54. Doors.

### 1- A. Service door.

a- 1. Service door shall be manually operated, under control of driver, and so designed as to afford easy release and prevent accidental opening. No parts shall come together so as to shear or crush fingers.

b- 2. Service door shall be located on right side of bus opposite driver and within his direct view.

c- 3. Service door shall have minimum horizontal opening of 24 inches and minimum vertical opening of 68 inches.

d- 4. Service door shall be of split-type, jack-knife type, or sedan-type. (Split-type door includes any sectioned door which divides and opens inward or outward.) If one section of split-type door opens inward and other opens outward, front section shall open outward. The jack-knife type shall fold inward at the front of the door opening. When both sections open outward, a safety catch shall be added to door handle to prevent door from opening when handle is moved slightly to activate traffic warning lights.

e- 5. Lower as well as upper panels shall be of approved safety glass. (See Item I under windshield and windows, page 224 § 6.88 1) Bottom of lower glass panel shall not be more than 35 inches from ground when bus is unloaded. Top of upper glass panel shall not be more than six inches from top of door.

f- 6. Vertical closing edges shall be equipped with flexible material to protect children's fingers.

g- 7. There shall be no door left of driver.

Exception - Type II vehicles.

Standard does not apply.

8. Exception - Metropolitan type vehicles.

Service doors may be hydraulically or electrically operated and shall be located as far forward as possible on the right side. A manual switch to operate the traffic warning light system shall be mounted on the left side of the dash and labeled accordingly.

### 2- B. Emergency door.

a- 1. Emergency door shall be located in center of rear end of bus.

b- 2. Emergency door shall have minimum horizontal opening of 24 inches and minimum vertical opening of 45 inches measured from floor level.

c- 3. Emergency door shall be hinged on right side and shall open outward and be equipped with an adequate strap or stop to prevent door from striking lamps or right rear of body. Such strap or stop must allow door to open at least a ninety degree angle from closed position.

d- 4. Upper portion of emergency door shall be equipped with approved safety glass, exposed area of which shall not be less than 400 square inches. (See Item I under windshield and windows, page 224 § 6.88 1) Lower portion of door, if in rear end of bus, may be equipped with approved safety glass, area of which shall not be less than 12 inches in height and 20 inches in width. This glass, if used, must be protected by metal guard on inside. This guard shall be free of any sharp edges that may cause injury to passengers.

e- 5. There shall be no steps leading to emergency door.

f- 6. No seat or other object shall be so placed in bus as to restrict any part of passageway leading to emergency door to opening smaller than rectangle of 12 inches in width and 48 inches in height, measured from floor level.

g- 7. When not fully latched, emergency door shall actuate signal audible to driver by means of mechanism actuated by latch.

h- 8. Words "EMERGENCY DOOR", both inside and outside in black letters two inches high shall be painted directly above emergency door. Words may be placed on the top of door outside if space is available.

9. The emergency door shall be designed to open from inside and outside bus. It shall be equipped with a slide bar and cam-operated lock located on left side of door and fastened to the door framing.

The slidebar shall be approximately 1 1/4 inches wide and 3/8 inch thick and shall have a minimum stroke of 1 1/4 inches. The slidebar shall have a bearing surge of a minimum of 3/4 inch with the door lock in a closed position. Control from driver's seat shall not be permitted.

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Provision for opening from outside shall consist of nondetachable device so designed as to prevent hitching-to, but to permit opening when necessary. Door lock shall be equipped with interior handle and guard that extends approximately to center of door. It shall lift up to release lock.

**C. Emergency door - Type II vehicles.**

a. 1. Emergency door shall be located in center of rear end of bus and shall be equipped with fastening device for opening from inside and outside body, which may be quickly released but is designed to offer protection against accidental release. Control from driver's seat shall not be permitted. Provision for opening from outside shall consist of device designed to prevent hitching-to but to permit opening when necessary.

b. 2. When not fully closed, emergency door shall actuate signal audible to driver.

e. 3. Emergency door shall be marked "EMERGENCY DOOR" on inside and outside in painted black letters two inches high.

d. 4. There shall be no steps leading to emergency door.

e. 5. No seat or other object shall be placed in bus which restricts passageway to emergency door to less than 15 inches.

4. **D. Security locking system.** A door locking system designed to prevent vandalism, which is approved by the State Department of Education, may be installed provided it is equipped with an interlock in the chassis starting circuit and an audible alarm to indicate to the driver when an emergency door is locked while the ignition is in the "on" position. A cutoff switch on the interlock circuit or a lock and hasp on the rear door will not be permitted.

**§ 6.55. Electrical system.**

1. Battery - see page 203. § 6.11.
2. Alternator - see page 203. § 6.9.
3. Lights and signals - see page 207. § 6.28.
4. Wiring - see page 225. § 6.91.

**§ 6.56. Emergency equipment.**

**\*1. A. Fire extinguisher.**

a. 1. Bus shall be equipped with one dry-chemical fire extinguisher of at least 2 1/2 pound capacity with pressure indicator, mounted in extinguisher manufacturer's bracket of automotive type, and located in full view and in an accessible place in the front of

the bus excluding floor and area above bottom line of windshield.

b. 2. Fire extinguisher shall bear label of Underwriters' Laboratories, Inc., showing rating of not less than 10-B.C.

**\*2. B. First-aid kit.**

a. 1. Bus shall carry Grade A metal first-aid kit, unit-type, mounted in full view and in accessible place in the front of the bus.

b. 2. The first-aid kit shall contain the following items:

Item	Unit
Bandage compress, (sterile gauze pads) 4-inch .....	3
Bandage compress, (sterile gauze pads) 2-inch .....	2
Adhesive absorbent bandage (non-adhering pad) .....	2
Triangular bandage, 40-inch .....	2
Gauze Bandage, 4-inch .....	2
Absorbent-gauze compress .....	1
Antiseptic applicator (swab type) 10 per unit .....	2
Bee sting applicator (swab type) 10 per unit .....	1

**\*3. C. Flare.**

1. Bus shall be equipped with three red bidirectional triangular flares meeting requirements of FMVSS-125.

2. Kit shall be securely mounted on the right of toeboard as far forward as practical or in the area to the left of the driver's seat.

\* **Optional:** These items may be mounted in an approved compartment which shall be labeled to indicate what is contained therein. If equipped with a lock, a buzzer shall be activated when locked or be connected through ignition interlock to prevent bus from starting.

Exception - Type II vehicles.

These may be mounted behind left rear seat.

**§ 6.57. Floor - (See construction, page 210 § 6.51.)**

**§ 6.58. Floor Covering.**

1. Floor in underseat area, including tops of wheel housings, driver's compartment and toeboard shall be covered with fire-resistant rubber floor covering or an approved equivalent, having minimum over-all

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thickness of .125 inch. Driver's compartment and toeboard area shall be trimmed with molding strips behind the cowl face line.

2. Floor covering in aisle shall be of aisle-type fire-resistant rubber or an approved equivalent, non-skid, wear-resistant and ribbed. Minimum over-all thickness shall be .1875 inch measured from tops of ribs. Rubber floor covering shall meet Federal Specifications ZZ-M71d.

3. Floor covering must be permanently bonded to floor, and must not crack when subjected to sudden changes in temperature. Bonding or adhesive material shall be waterproof and shall be of the type recommended by manufacturer of floor-covering material. All seams must be sealed with waterproof sealer.

## § 6.59. Heaters.

1. Hot water heaters of fresh-air or combination fresh-air and recirculating type, with power defrosters, are required.

2. They shall bear name plate rating affixed by heater manufacturer on top of heater shell.

3. Heaters shall be capable of maintaining inside temperature of 50°F, with an outside temperature of 20°F when the bus is loaded to one-half capacity.

4. The heater wiring shall be connected to the cold side of the ignition switch through a continuous duty solenoid relay Cole Hersee #24106 or equivalent. (See *Wiring, Item 4, page 225 § 6.91 4*)

5. The power defroster shall deliver a sufficient amount of heated air distributed through a windshield duct, nozzle or nozzles to defog and deice the entire windshield, and to defog the driver's window. The duct, nozzle, or nozzles shall be designed to prevent objects from being placed in any manner which would obstruct the flow of air.

6. Water circulation cut-off valve, a minimum of 3/4 inch diameter, shall be at the engine.

7. Heater hoses, including those in engine compartment, shall be supported in such manner that hose chafing against other objects will not occur nor shall suspended water lines interfere with routine vehicle maintenance.

8. All water hoses in driver or passenger area shall be shielded.

9. An auxiliary heater of recirculating type, having a minimum capacity of 60,000 BTU output, may be installed under the second seat behind the wheelhousing or the left side of the body. Such heater

is required on all lift-gate buses and on any equipment with diesel engines.

10. A booster pump in the intake heater line shall be provided on buses equipped with a diesel engine.

11. Exception - Type II vehicles.

a. Front heater with high output with defroster shall be furnished by the chassis manufacturer.

b. The body manufacturer shall provide an additional underseat heater near the rear of the bus.

§ 6.60. Identification - See *charts, pages 210-220 Diagrams 3 and 4*.

For purpose of identification school buses shall be lettered as follows:

1. Lettering shall be placed according to *charts, pages 210-220, Diagrams 3 and 4*. Lettering shall be of black paint and conform to "Series B" for Standard Alphabets for Highway Signs.

2. Both the front and rear of the body shall bear the words, "SCHOOL BUS" in black letters eight inches in height.

3. All school buses shall have a number painted in black letters four inches high on the rear of the body, on the right side just back of the entrance door, and on the left side just back of the warning sign. (See *charts, page 210-220 Diagrams 3 and 4*.) The number shall also be placed on the front bumper, approximately 18 inches from the right end in yellow letters four inches high.

4. The name of the school division shall be on each side of the bus in black letters four inches high - as "... COUNTY PUBLIC SCHOOL," or "... CITY PUBLIC SCHOOLS."

5. Wheelchair symbol on lift-gate buses - standard access symbol, 12" x 12" size, may be applied to back and front of school bus by local school divisions. It shall be placed so as not to cover lettering, lamps or glass.

## § 6.61. Inside height.

Inside body height shall be 72 inches or more, measured metal to metal, at any point on longitudinal center line from front vertical bow to rear vertical bow.

Exception - Type II vehicles.

Inside body height shall be 62 inch minimum.

## § 6.62. Insulation.

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Ceilings and walls shall be coated with proper materials to deaden sounds and to reduce vibrations to a minimum. Fiber glass thermal insulation (minimum thickness one inch) shall be used to insulate walls and roof between inner and outer panels.

## § 6.63. Interior.

1. Interior of bus shall be free of all unnecessary projections likely to cause injury. This standard requires inner lining on ceilings and walls. Ceiling panels shall be constructed so as to contain lapped joints with all exposed edges hemmed to minimize sharpness. If lateral panels are used, forward panels shall be lapped by rear panels.

2. Ceilings in passenger compartment shall be free of all projections.

## § 6.64. Lights and Signals - see charts, pages 219-220 Diagrams 3 and 4.

← No lights or signals other than herein specified shall be installed on school buses, except those required by Federal Regulations. →

1. Clearance lights: Body shall be equipped with two red clearance lamps at rear, two amber clearance lamps at front, and intermediate side marker lamps on buses 30 feet or more in length.

They shall be of armour type.

2. Identification lamps: Three amber lamps shall be mounted on front and three red lamps on rear of body.

3. Stop and tail lamps: Bus shall be equipped with two matched stop and tail lamps of heavy duty type, which shall be in combination, emitting red light plainly visible from a distance of at least 500 feet to rear, and mounted on rear end with their centers not less than 12 nor more than 24 inches from plane side of body, and not less than 6 nor more than 18 inches below D-glass in rear of body. They shall be approximately seven inches in diameter. These lights shall be on the same horizontal line with the turn signal units and shall not flash. A pilot light shall be installed on the left side of the instrument panel and connected to the cold side of the brake light switch so that it will indicate when the stop lights are activated. A list of approved stop and tail lights will be supplied to the body manufacturers by the Supervisor of Transportation. The use of lights not on this list will not be approved.

4. For illumination of rear license plate, the type of stop and tail light with which the chassis is equipped may be used. The stop light connection will be made to this light.

5. Back-up lamp: Back-up lamp shall be mounted on the rear of the body and shall be illuminated when the ignition switch is energized and reverse gear is engaged.

6. Interior lamps: Interior lamps shall be provided which adequately illuminate aisles and stepwell.

7. Turn signal units: Bus shall be equipped with Class A, flashing turn signal units of heavy-duty type. These signals must be independent units equipped with amber lens on all faces, and may be equipped with four-way hazard warning switch to cause simultaneous flashing of turn signal lamps when needed as vehicular traffic hazard warning. A pilot light or lights shall indicate when these lights are activated. The front lights shall be mounted near the front corners of chassis on each side. The rear lights shall be 7 inches in diameter and mounted not less than 6 nor more than 18 inches from plane of the side of the body and not less than 6 nor more than 18 inches below D-glass in rear of body. They shall be on the same horizontal line with the stop and tail lights required in Item 3 above.

a. In addition to the turn signals described above, two amber lens turn signal lamps of armour type with a minimum of four candlepower each shall be mounted on the body side at approximate seat level height and located just to the rear of the entrance door on the right side of the body and approximately the same location on the left side. They are to be connected to and function with the regular turn signal lamps. Such lamps must provide 180° angle vision.

b. A list of approved turn signal lights will be supplied to the body manufacturers by the Supervisor of Transportation. The use of lights not on this list will not be approved.

c. Exception - Type II conversion vans.

Turn signals shall be chassis manufacturer's standard.

8. Hazard warning signal: The turn signal units shall also function as the hazard warning system. The system shall operate independently of the ignition switch and, when energized, shall cause all turn signal lamps to flash simultaneously.

9. Reflex reflectors: (Class A) Two amber lights and two amber reflectors (they may be combined) shall be mounted, one on each side, near the front of the chassis. Two four-inch red reflectors shall be mounted, one on each side near the rear of the body and two four-inch red reflectors shall be mounted on the rear above the bumper. Two intermediate amber four-inch reflectors, one on each side near the middle of the bus, shall be mounted on buses 30 feet or more in



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length. They shall be mounted on panel above floor line rub rail.

## 10. Virginia school bus traffic warning lights:

a. They shall consist of four lights, two front and two rear, containing 80 watts, 12-volt sealed beam clear spot units five inches in diameter with seven-inch red acrylic lens, including component parts and location necessary for their operation. Information on such approved part and location will be supplied by the state Supervisor of Transportation.

b. The control circuit shall be connected to the cold side of the ignition switch with the control switch mounted so that it is operated by the door control handle.

The motor-driven flasher and the relay shall be fastened to the fire wall on the right side or in some easily accessible place inside the bus body.

d. The pilot lights shall be mounted on the instrument panel in or near the center so that they will be in plain view of the driver.

e. All joints shall be soldered or jointed by equally effective connectors.

## 11. Virginia school bus traffic warning sign:

a. Warning sign shall be mounted on the left side near the front of the bus immediately below the window line.

b. Sign shall be of the Octagon series, 18 inches in diameter, 16-gauge cold rolled steel, and be equipped with windguard. The sign shall have a red background with a 1/2 inch white border, and the word "STOP" on both sides in white letters, six inches high and one inch wide.

c. Sign shall have double-faced alternately flashing red lamps, four inches in diameter, located at the top and bottommost portions of the sign, one above the other.

d. All wire shall be 16-gauge minimum. A No. 537 alternating flasher, or approved equal, mounted in body accessory panel shall be provided.

e. The sign shall be operated by a manual switch located on dash to the immediate left of the entrance door handle. The vacuum/air control valve shall be an electric solenoid type or push-pull switch/control valve combination. Air operated signs require air pressure regulator in addition to control valve.

f. Copper tubing or a high quality vacuum hose shall be used to supply vacuum to sign. Source of

vacuum to be main supply line on the intake manifold ahead of the brake check valve. Source of supply for air operated units to be the main air supply tank with check valve at tank.

g. Sign and components shall comply with all provisions of SAEJ1133. A list of approved traffic warning signs and components will be supplied by the Supervisor of Transportation.

Diagram 3.

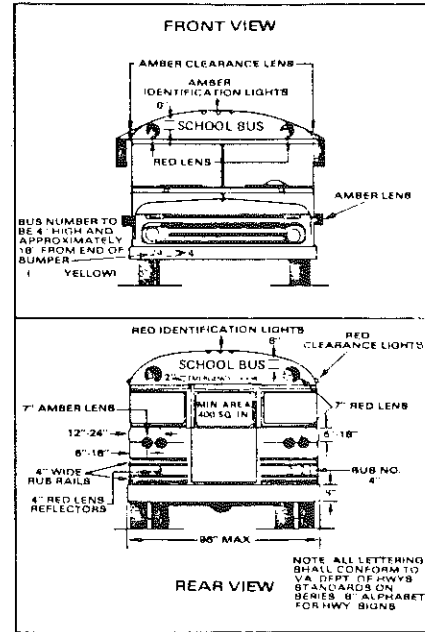
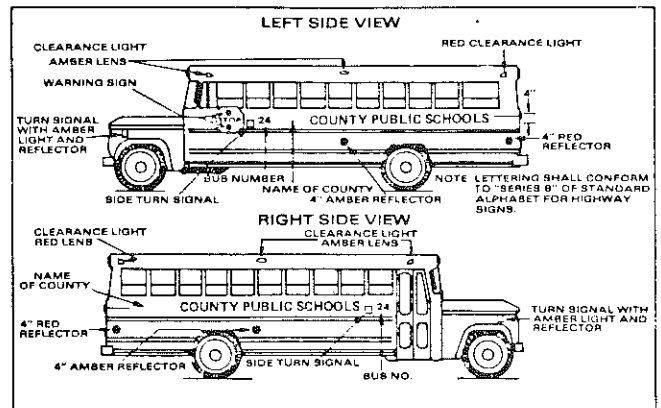


Diagram 4.



## § 6.65. Metal treatment.

All metal parts that will be painted shall be chemically cleaned, etched, zinc-phosphate-coated, and zinc-chromate or epoxy-primed or conditioned by equivalent process.

## § 6.66. Mirrors.

1. Interior rear view mirror at least 6 x 30 inches, metal encased safety glass of at least 1/8 inch thickness, which will afford good view of pupils and roadway to rear and shall be installed in such a way that vibration will be reduced to a minimum. It shall have rounded corners and protected edges.

2. Two exterior rear view silver electro-plated copper back or chrome faced mirrors shall be provided, one to left and one to right of driver.

Each mirror shall be not less than 6 x 9 1/2 inches. Mirrors shall be firmly supported by tripod type brackets fastened to top corners of bus body. Left and right mirrors shall be on same level and shall be mounted so that they can be adjusted to give driver clear view to left rear and right rear of bus.

a. Exterior crossview mirror at least 7 1/2 inches in diameter shall be located on left front fender of bus in such manner that seated driver may observe, through its use, areas to front of bus where direct observation is not possible. It shall not obstruct the left turn signal. An additional mirror may be mounted on the right front fender in a corresponding position.

b. An adjustable convex mirror with a minimum diameter of four inches and a maximum diameter of five inches may be mounted on each side on a separate arm attached to the mounting of the regular outside mirror. This convex mirror shall be mounted so that it can be positioned immediately below the regular outside mirror.

3. A list of approved mirrors will be supplied to body manufacturers by the State Supervisor of Transportation. The use of mirrors not on this list will not be approved.

Exception - Type II vehicles.

Interior mirror to be 6 x 16 inches minimum and outside 6 x 10 inches mounted on doors.

## § 6.67. Mounting.

1. Chassis frame shall extend to rear edge of rear body cross member. Bus body shall be attached to chassis frame in such manner as to prevent shifting or separation of body from chassis under severe operating conditions.

2. Body front shall be attached and sealed to chassis cowl in such manner as to prevent entry of water, dust, and fumes through joint between chassis cowl and body.

3. Insulating material shall be placed at all contact

points between body and chassis frame. Insulating material shall be approximately 1/4 inch thick, shall have quality of sidewall of automobile tire, and shall be so attached to chassis frame or body member that it will not move under severe operating conditions.

4. Exception - Type II conversion vans.

Standard does not apply.

## § 6.68. Openings.

Any openings in body or front fenders of chassis resulting from change necessary to furnish required components shall be sealed. (See openings, page 207 and Item 11, page 211 §§ 6.30 and 6.51.11.)

## § 6.69. Overall length.

Overall length of bus shall not exceed 36 feet for conventional flat faced cowl units or 40 feet for metropolitan type.

## § 6.70. Overall width.

Overall width of bus shall not exceed 100 inches, including traffic warning sign in closed position.

§ 6.71. Posts - See Construction on page 210 and Item 3 under Windshield and windows on page 224 §§ 6.51 and 6.88.3.

## § 6.72. Rub rails.

1. There shall be one rub rail located on each side of bus immediately below window level which shall extend from rear side of entrance door completely around bus body (except for emergency door) to point of curvature near outside cowl on left side. If floor level rub rail extends to emergency door post in rear, this rub rail may stop at rear side post.

Exception -

This rub rail is not required between the front body post and rear side post if an internal frame member (fortress rail) of greater strength is positioned immediately below the window level. The rub rail must be applied from the last sidepost to the emergency doorpost.

2. There shall be one rub rail located on each side of bus approximately at seat level which shall extend from rear side of entrance door completely around bus body (except for emergency door) to point of curvature near outside cowl on left side. This rail shall be painted black.

3. There shall be one rub rail located approximately at floor line which shall extend from rear side of entrance door completely around bus body (except for

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emergency door) to point of curvature near outside cowl on left side, except at wheel housings. If the window level rub rail extends to emergency door post in rear, this rub rail may stop at rear side post.

4. All rub rails shall be attached at each body post and all other up-right structural members.

5. All rub rails shall be of four inches or more in width, shall be of 16-gauge steel, and shall be constructed in corrugated or ribbed fashion.

6. All rub rails shall be applied outside body or outside body posts. Pressed-in or snap-on rub rails do not satisfy this requirement.

7. Certain exceptions may be approved for heater air-intake and for rear engine type buses.

Exception - Type II vehicles.

Rail required in No. 1 above does not apply.

## § 6.73. Seat belt for driver.

Seat belt for driver shall be provided. Belt shall be equipped with retractor on each side of sufficient quality and strength to keep it retracted and off floor when not in use.

## § 6.74. Seats.

1. All seats shall have minimum depth of 14 inches.

2. In determining seating capacity of bus, allowable average rump width shall be 13 inches. (See ~~Body sizes~~, page 210 § 6.44.)

3. All seats shall be forwarded facing. They shall have two legs securely fastened to the floor with the other end supported by rail or bracket on side wall.

a. A two-passenger left rear seat, minimum of 26 inches in length, and a three-passenger right rear seat, minimum of 37.5 inches in length, will be provided.

b. The right front seat will have a two-passenger cushion, minimum of 26 inches in length and a three-passenger back which serves as a barrier for the next seat.

4. Seat cushions shall have 24-hour glass coil type springs interlaced and securely fastened to plywood base having minimum thickness of 1/2 inch. Urethane foam may be used in place of springs if sample is submitted and approved each year.

a. Passenger seat cushion retention system shall be employed to prevent passenger seat cushions from disengaging from seat frames in event of accident.

Each seat cushion retention system shall be capable of withstanding vertical static load equal to minimum of five times weight of cushion. System shall also be capable of withstanding forward or rearward static load equal to 20 times weight of cushion.

5. No bus shall be equipped with jump seats or portable seats.

6. Seat spacing shall provide a minimum of 25 inch knee room at center of seat, when measured horizontally from back to back, at cushion level.

7. Seat and back cushions of all seats shall be designed to safely support designated number of passengers under normal road conditions encountered in school bus service. Covering of seat cushions shall be of material having 42 ounce finished weight, 54 inch width, and finished vinyl coating of 1.06 broken twill and shall be medium brown or green in color. Material on polyester drill and polyester cotton twill knit backing with equal vinyl coating which meets or exceeds the laboratory test results for the 42 ounce 1.06 covering may be used. Padding and covering on all seats shall comply with provisions of Federal Motor Vehicles Safety Standard No. 302.

8. Minimum distance between steering wheel and back rest of driver's seat shall be 11 inches. Driver's seat shall have fore-and-aft adjustment of not less than four inches and up and down adjustment of three inches. It shall be manually adjustable and strongly attached to floor.

9. Minimum of 36-inch headroom for sitting position above top of undepressed cushion line of all seats shall be provided. Measurement shall be made vertically not more than seven inches from side wall at cushion height and at fore-and-aft center of cushion.

10. Backs of all seats of similar size shall be of same width at top and of same height from floor and shall slant at same angle with floor.

11. Seat back heights shall be between 19 and 24 inches measured from cushion level.

## § 6.75. Barriers.

1. Barrier shall be installed at rear of driver's seat in such a position as neither to interfere with adjustment of driver's seat nor to obstruct 21.6 inch entranceway to the aisle.

2. Barrier shall be installed at rear of entrance stepwell. Placement shall not restrict entrance passageway at any level to less than 21.6 inches. Barrier to coincide with length of the right front seat cushion with minimum width of 26 inches and shall have a modesty panel to extend from bottom of barrier to floor.

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3. Lift-gate units shall have a barrier or padded stanchion with modesty panel forward of each standard seating position and between lift-gate and first seat to rear of lift-gate.

## § 6.76. Stanchions and guard rails.

Padded stanchions may be used in lieu of barriers, if permitted by federal regulations. A modesty panel is required with all stanchions except the one immediately behind the driver's seat.

§ 6.77. Steering wheel - See item 4 under Steering gear on page 208 § 6.36.4.

## § 6.78. Steps.

1. First step at service door shall be not less than 12 inches and not more than 16 inches from ground, based on standard chassis specifications.

2. Service door entrance may be equipped with two-step or three-step stepwell. Risers in each case shall be approximately equal.

3. Steps shall be enclosed to prevent accumulation of ice and snow.

4. Steps shall not protrude beyond side body line.

5. Grab handle not less than 10 inches in length shall be provided in unobstructed location inside doorway, but shall not be attached so that it will interfere with the opening of the glove compartment door. This handle shall be designed to eliminate exposed ends that would catch passenger clothing.

6. Step covering: All steps, including floorline platform area, shall be covered with 3/16-inch rubber metal-backed treads with at least 1 1/2-inch white nosing (or three inch white rubber step edge with metal back at floorline platform area.)

a. Step tread minimum over-all thickness shall be 3/16-inch ribbed design, similar to ribbed design of the rubber aisle;

b. Metal back of tread, minimum 24-gauge cold roll steel, shall be permanently bonded to ribbed rubber; grooved design shall be such that said grooves run at 90° angle to long dimensions of step tread;

c. 3/16-inch ribbed step tread shall have a 1 1/2-inch white nosing as integral piece without any joint; and

d. Rubber portion of step treads shall have following characteristics:

(+) a. Special compounding for good abrasion resistance and high coefficient of friction.

(2) b. Flexibility so that it can be bent around a 1/2-inch mandrel both at 20°F and 130°F without breaking, cracking, or crazing.

(3) c. Show a durometer hardness 85 to 95.

## § 6.79. Stirrup steps.

There shall be one folding stirrup step and suitably located handle on each side of front of body for easy accessibility for cleaning windshield and lamps.

Exception - Type II vehicles.

Standard does not apply.

## § 6.80. Storage compartment.

Metal storage compartment for tools and chains is required. If provided, the metal container shall have adequate strength and capacity for storage of tire chains and such tools as may be necessary for minor emergency repairs. Such storage container may be located either inside or outside passenger compartment but if inside, it shall have cover (seat cushion may not serve for this purpose) capable of being securely latched and shall be fastened to floor under right rear seat frame. If outside, it shall be located in body skirt on right side of body.

## § 6.81. Sun shield.

Interior adjustable transparent sun shield, darkest shade available, not less than 60 x 30 inches shall be installed in position convenient for use by driver.

Exception - Type II vehicles.

Manufacturer's Standard is acceptable.

## § 6.82. Tail pipe.

Tail pipe shall extend to but not more than 1/2 inch beyond outer edge of rear bumper. (See Item 2 Exhaust system, Page 205 § 6.19 2)

## § 6.83. Undercoating.

Entire underside of bus body, including floor sections, cross members, and below floor line side panels, shall be coated with rust-proofing compound for which compound manufacturer has issued notarized certification of compliance to bus body builder that compounds meets or exceeds all performance requirements of Federal Specification TT-C-520a using modified test procedures \* for following requirements:

1. Salt spray resistance - pass test modified to five percent 5% salt and 1,000 hours;

2. Abrasion resistance - pass;

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## 3. Fire resistance - pass.

Undercoating compound shall be applied with suitable airless or conventional spray equipment to recommend film thickness and shall show no evidence of voids in cured film. Undercoating is expected to prevent rust under all bus service conditions for minimum of five years.

### § 6.84. Ventilation.

1. Body shall be equipped with suitable, controlled ventilating system of sufficient capacity to maintain proper quantity of air under operating conditions without opening of windows except in extremely warm weather.

2. Static-type, nonclosable, exhaust roof ventilators shall be installed in low-pressure area of roof panel.

~~\*Test panels are to be prepared in accordance with paragraph 4.6.12 of TT-C-520a with modified procedure requiring that tests be made on a 48-hour air cured film at thickness recommended by compound manufacturer.~~

### § 6.85. Water test.

Each and every school bus body, after it is mounted on chassis ready for delivery, shall be subjected to a thorough water test in which water under pressure equal to a driving rain is forced against the entire bus body from various directions. Any leaks detected are to be repaired before the bus is declared ready for delivery.

### § 6.86. Wheel housings.

1. Wheel housings shall be of full open type.

2. Wheel housings shall be designed to support seat and passenger loads and shall be attached to floor sheets in such manner as to prevent any dust or water from entering the body.

3. Inside height of wheel housings above floor line shall not exceed 10 inches.

4. Wheel housings shall provide clearance for dual wheels as established by National Association of Chain Manufacturers.

Exception -

Standard does not apply to Type II conversion vans.

### § 6.87. Width - See overall width on page 221 § 6.70.

### § 6.88. Windshield and windows.

1. All glass in windshield, window, and doors shall be of approved safety glass, so mounted that permanent mark is visible, and of sufficient quality to prevent distortion of view in any direction. Windshield must be

AS1 and all other glass shall be AS2.

2. Plastic glazing material of a thickness comparable to AS2 glass, meeting ANSI Standard C26.1 and FMVSS No. 205, may be used in side windows behind the driver's compartment.

3. Windshield shall be large enough to permit driver to see roadway clearly, shall be slanted to reduce glare, and shall be installed between front corner posts that are so designed and placed as to afford minimum obstruction to driver's view of roadway.

4. Windshield shall have horizontal gradient band starting slightly above line of driver's vision and gradually decreasing in light transmission to 20 percent or less of windshield.

5. Each full side window shall provide unobstructed emergency opening at least 9 inches high and 22 inches wide, obtained either by lowering of window or by use of knock-out type split-sash windows.

6. Approved tinted glass or plastic glazing material may be used as needed for care of handicapped pupils.

7. All exposed edges of glass shall be banded.

### § 6.89. Windshield washers.

Windshield washers meeting federal requirements shall be provided and shall be controlled by push button switch located on instrument panel. Reservoir shall be mounted in engine compartment.

### § 6.90. Windshield wipers.

1. Bus shall be equipped with two variable-speed windshield wipers of air or electric type powered by two motors of sufficient power to operate wipers.

2. Blades and arms shall be of such size that minimum blade length will be 12 inches with longer blades being used whenever possible.

3. Wiper motor and arm linkage shall be shielded to prevent objects from being placed against them.

Exception - Type II vehicles.

One variable speed motor is acceptable.

### § 6.91. Wiring.

1. All wiring shall conform to current standards of Society of Automotive Engineers.

2. Circuits:

a. Wiring shall be arranged in at least 12 regular

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circuits as follows:

- (1) head, tail, stop (brake) and instrument panel lamps
- (2) clearance lamps
- (3) dome and stepwell lamps
- (4) starter motor
- (5) ignition
- (6) turn-signal units
- (7) alternately flashing red signal lamps
- (8) horns
- \* (9) heater and defroster
- \* (10) emergency door buzzer
- \* (11) defogging fan
- \* (12) traffic warning sign

b. Any of above combination circuits may be subdivided into additional independent circuits.

c. Whenever possible, all other electrical functions (such as electric-type windshield wipers) shall be provided with independent and properly protected circuits.

d. Each body circuit shall be color coded and a diagram of the circuits shall be attached to the body in a readily accessible location.

3. A separate fuse or circuit breaker shall be provided for each circuit except starter motor and ignition circuits.

\* 4. A continuous duty solenoid relay, Cole Hersee No. 24106 or approved equal, operated by the ignition switch, shall be provided to supply current to the heater, emergency door buzzer, defogging fan, and traffic warning sign - (Circuits 9, 10, 11, and 12).

5. All wires within body shall be insulated and protected by covering of fibrous loom (or equivalent) which will protect them from external damage and minimize dangers from short circuits. Whenever wires pass through body member, additional protection in form of appropriate type of insert shall be provided.

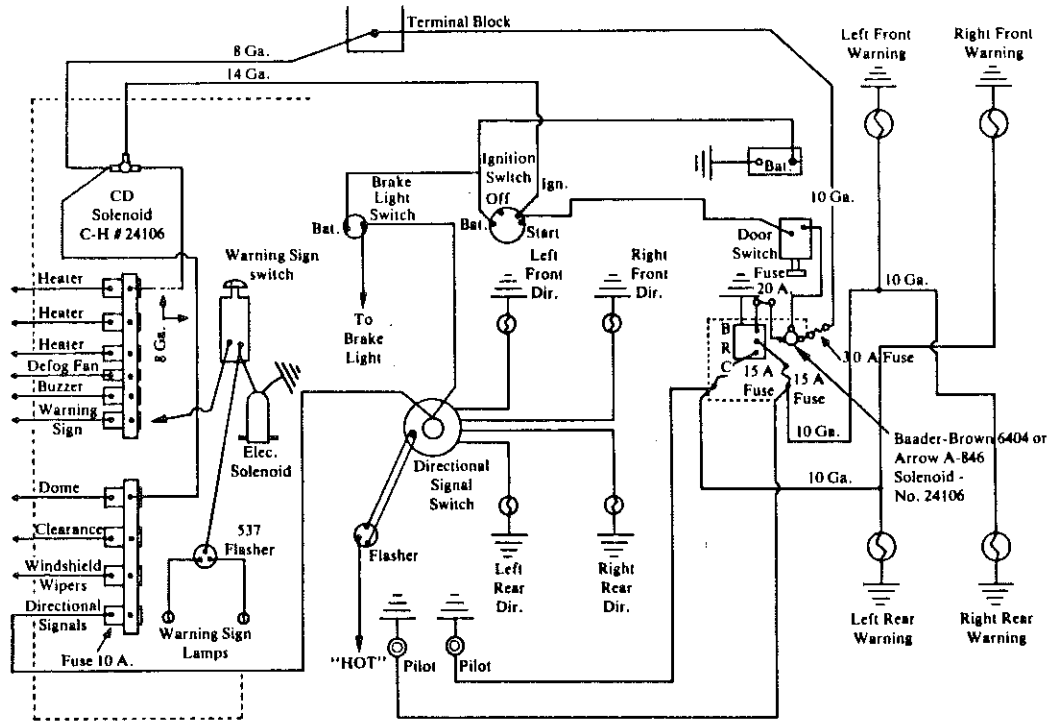
6. All light circuits shall be such as to provide, as nearly as possible, bulb design voltage at lightbulb terminals.

7. Wires shall be fastened securely at intervals of not

more than 24 inches. All joints shall be soldered or jointed by equally effective connectors.

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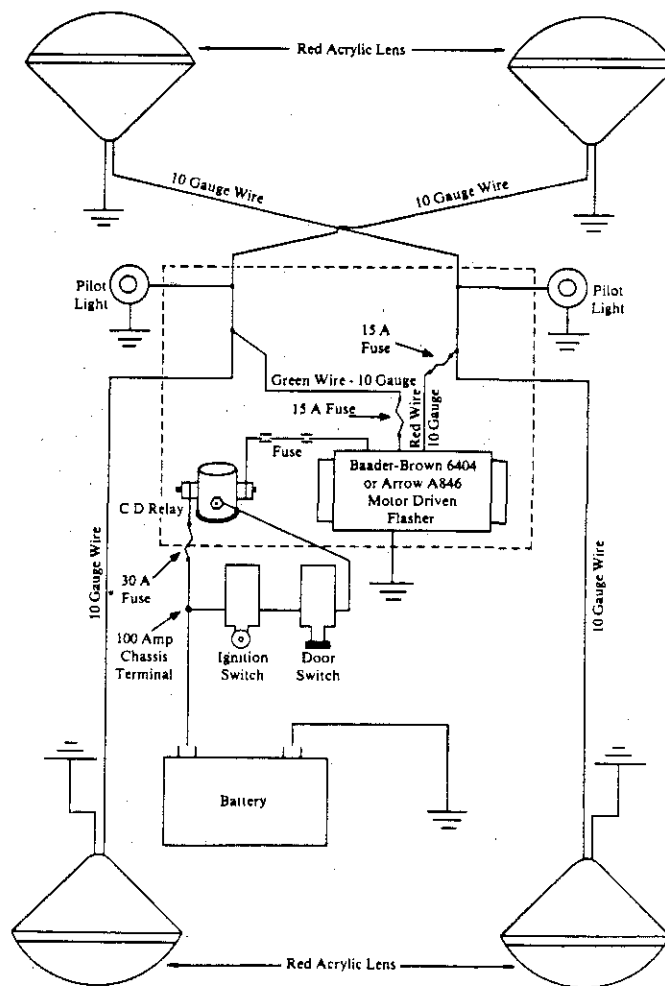
Diagram 5.



VIRGINIA SCHOOL BUS BODY WIRING DIAGRAM - 1981

Diagram 6.

WIRING DIAGRAM FOR VIRGINIA SCHOOL BUS TRAFFIC LIGHTS





# Proposed Regulations

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## DEPARTMENT OF HEALTH

**Title of Regulation:** VR 355-17-01. Commonwealth of Virginia Sanitary Regulations for Marinas and Boat Moorings.

**Statutory Authority:** § 32.1-246 of the Code of Virginia.

**Public Hearing Date:** October 15, 1986 - 10 a.m.  
(See Calendar of Events section for additional information)

### Summary:

*The regulations require all marinas and boat moorings to provide onshore toilet facilities, sewage dump stations and boat sewage holding tank pump-out facilities for the use of boaters. The revised regulations (i) require these establishments to hold a Certificate to Operate; (ii) exempt establishments which are operated as a residential development, overnight lodging facility, etc. from providing separate sanitary facilities under certain conditions; (iii) establish minimum design criteria for the boat sewage holding tank pump-out facility; (iv) require these establishments to provide boat sewage holding tank pump-out during normal working hours; and (v) require establishments to provide sewage dump stations.*

VR 355-17-01. Commonwealth of Virginia Sanitary Regulations for Marinas and Boat Moorings.

### PART I. INTRODUCTION.

#### Article 1. Definitions.

§ 1.1. As used in these regulations, the words and terms hereinafter set forth shall have the following meanings respectively, set forth unless the context clearly requires a different meaning.

*"Board" means the State Board of Health.*

*"Boat" means any vessel or other watercraft, privately owned or owned by the Commonwealth or any political subdivision thereof, whether moved by oars, paddles, sails or other power mechanism, inboard or outboard, or any other vessel or structure floating on water in the Commonwealth of Virginia, whether or not capable of self-locomotion, including but not limited to cruisers, cabin cruisers, runabouts, houseboats and barges. Excluded from this definition are commercial, passenger and cargo carrying vessels subject to the Quarantine Regulation of the United States Public Health Service adopted pursuant to Title 42 of the United States Code and ships or vessels of the U. S. Government.*

*"Bureau" means the Bureau of Wastewater Engineering,*

Department of Health.

*"Certificate" means a written approval from the Commissioner of Health or his designated representative indicating that plans for sanitary facilities and sewage facilities meet or satisfy the minimum requirements of these regulations and § 32.1-246 of the Code of Virginia.*

*"Commissioner" means the State Health Commissioner, whose duties are prescribed in § 32.1-19 of the Code of Virginia. is the executive officer of the State Board of Health with the authority of the board when it is not in session and subject to such rules and regulations as may be prescribed by the board.*

*"Marina" means any installation, operating under public or private ownership, which provides dockage or moorage for fifteen or more boats (exclusive of paddle or rowboats) or and provides, through sale, rental or fee basis, any equipment, supply or service (fuel, electricity or water) for the convenience of the public or their leasee, renters or users of their facilities.*

*"Marine sanitation device" means any equipment, piping and appurtenances such as holding tanks for installation on board a boat which is designed to receive, retain, treat or discharge sewage and any process to treat such sewage.*

*"Other places where boats are moored" means any installation operating under public or private ownership, which provides dockage, moorage or mooring for boats (exclusive of paddle or rowboats) either on a free, rental or fee basis or for the convenience of the public.*

*"Owner" means the state Commonwealth or any of its political subdivisions and any public or private institution, corporation, association, firm or company organized or existing under the laws of this or any other state or county, or any person or group of persons acting individually or as a group who owns a marina or other place where boats are moored.*

*"Pump-out facilities" means any device, equipment or method of removing sewage from a marine sanitation device. Also, it shall include any holding tanks either portable, movable or permanently installed, and any sewage treatment method or disposable equipment used to treat, or ultimately dispose of, sewage removed from boats.*

*"Sanitary facilities" means bathrooms, toilets, closets and other enclosures where commodes, stools, water closets, lavatories, showers, urinals, sinks or other such plumbing fixtures are installed.*

*"Sanitary or domestic sewage" means the spent water or wastewater containing human excrement coming from the toilets, bathrooms, commodes and holding tanks.*

*"Seasonal slips" means any slip which is used, rented, leased or otherwise made available for mooring or docking*

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of boats during the normal boating season, usually from April through September, or for any period greater than 30 days.

"Sewage from boats" includes the wastewater removed from holding tanks.

"Sewage treatment or disposal systems" means device, process or plant designed to treat sewage and remove solids and other objectionable constituents which will permit the discharge to another approved system, or an approved discharge to state waters or disposal through an approved subsurface drainfield or other acceptable method, such as incineration.

"Sewerage facilities" means entire sewage collection and disposal system including commodes, toilets, lavatories, showers, sinks and all other plumbing fixtures which are connected to a collection system consisting of sewer pipe, conduit, holding tanks, pumps and all appurtenances, including the sewage treatment or disposal system.

"Transient slips" means temporary docking or mooring space which may be used for short periods of time, including overnight, days, or weeks, but less than 30 days.

## Part H Section 1.00

### Article 2. General Information.

#### § 1-3 § 1.2. Authority for regulations.

Section 32.1-246 of the Code of Virginia provides that the State Board of Health is empowered and directed to promulgate all necessary rules and regulations establishing minimum requirements as to adequacy of sewerage facilities at marinas and other places where boats are moored. These facilities should be sufficient to serve the number of boat slips and persons such marinas and places are designed to accommodate, regardless of whether such establishments serve food.

#### § 1-4 § 1.3. Purpose of regulations.

These regulations have been promulgated by the State Board of Health to:

A- 1. Insure adequate sanitary facilities and pump-out facilities, as defined in § 2-2 1.1 and required by § 2.2 of this regulation, are provided at all marinas and other places where boats are moored;

B- 2. Establish minimum requirements as to the adequacy of sewerage facilities at marinas and other places where boats are moored;

C- 3. Guide the State Board of Health in its determination of the adequacy of the sewerage facilities to serve marinas and places where boats are

moored;

D- 4. Guide the State Board of Health in its approval of plans and other data and the issuance of a certificate as to the adequacy of sanitary and sewerage facilities and notification of the Marine Resources Commission; and

5. Notify the Marine Resources Commission that a certificate has been issued; and

E- 6. Assist the owner or his authorized engineer in the preparation of an application and supporting data, as may be required. (See § 2-2 1.7 )

#### § 1-5 § 1.4. Administration of regulations.

These regulations are administered by the following parties:

A- 1. The State Board of Health has responsibility for promulgating, amending and repealing regulations which insure minimum requirements as to adequacy of sewerage facilities at marinas and other places where boats are moored.

B- 2. The State Health Commissioner, is the executive officer of the State Board of Health with the authority of the board, when it is not in session, and subject to such rules and regulations as may be prescribed by the board.

C- 3. The Bureau of Wastewater Engineering is designated as the primary reviewing agent of the board for the purpose of administering these regulations. It examines and passes upon the technical aspects of all applications, plans and specifications for sewerage facilities to serve marinas and other places where boats are moored. It issues all certificates attesting to the adequacy of the sewerage facilities and notifies the Marine Resources Commission when a certificate is issued or denied.

D- 4. The Office of Management for Community Health Services directs and supervises the activities of the local health departments in the administration of assigned duties and responsibilities under the regulations.

E- 5. The local health department in each jurisdiction, city, town or county in which there exists, or is proposed, a marina or other place where boats are moored shall (i) be responsible for the processing of all applications submitted by owners, (ii) inspect sites and facilities provided, (iii) issue such permits as required by law, rules or regulations for sewerage facilities and, (iv) lacking in authority to issue a permit, will process such applications in accordance with the policies and procedures of the Department. The local health department shall conduct a surveillance program and enforce the provisions of

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these regulations to insure proper sanitation and cleanliness of the facilities provided.

F. 6. The Division of Water Programs of the Department of Health of the Commonwealth of Virginia is responsible for the review and approval of sewage treatment works where there is a discharge to state waters, in accordance with the regulations, policies and procedures of the Health Department and the State Water Control Law, §§ 62.1-44.2 through 62.1-44.34 of the Code of Virginia.

## ~~§ 1-6~~ § 1.5. Application of regulations to marinas and other places where boats are moored.

~~in operation prior to the adoption of these revised regulations and to planned or new marinas or other places where boats are moored.~~

A. Marinas or other places where boats are moored ~~prior to January 1, 1976 which are not in compliance with the Rules and Regulations of the Board of Health Governing Sanitary and Sewerage Facilities at Marinas and Other Places Where Boats Are Moored which became effective November 15, 1975,~~ shall comply with these regulations.

B. All planned or new marinas or other places where boats are moored which do not exist on the effective date of this regulation shall comply with all provisions of this regulation prior to commencing operation.

C. All sanitary or sewerage facilities shall conform to the requirements of this regulation when the marina or other place where boats are moored are either expanded, altered or modified.

### ~~Section 2-00~~ Article 3. Procedure.

## § 1-7 § 1.6. Certification general.

No ~~owners may~~ owner shall operate a marina or other place where boats are moored unless ~~it~~ he complies with the provisions of § 32.1-246 of the Code of Virginia and these regulations. Owners shall have in their possession a permit from the Marine Resources Commission to operate a marina or place where boats are moored when so required by § 62.1-3 of the Code of Virginia. Where state-owned bottom lands are involved, a plan approved by the department shall be issued prior to construction and the issuance of a certificate to operate .

## § 1-8 § 1.7. Application for certificate.

Any owner, or his duly authorized representative, may make application for a certificate of approval of sanitary or sewerage facilities by applying to the local health department in the jurisdiction where the proposed marina or other place where boats are moored is to be located.

~~Such~~ The application shall be made on ~~the~~ a form supplied by the local health department. The application ~~will~~ shall consist of the following:

i. 1. A completed application form which shall set forth the essential data to determine the sewerage facilities necessary to serve the proposed installation;

ii. 2. ~~Such~~ Maps, plans and specifications of the sanitary and sewerage facilities ~~to describe~~ describing how and what facilities will be provided. ~~Also~~ The plans shall establish the location of the sanitary facilities in relation to other facilities;

iii. 3. A ~~Describe~~ description of the proposed method of sewage treatment or disposal . Approval of ~~such~~ the treatment works or disposal system must be applied for and obtained under other sections of the Code of Virginia and other regulations; and

iv. 4. ~~Submit such~~ Any other data as may be pertinent to show the adequacy of sanitary or sewerage facilities to be provided.

## § 1-9 § 1.8. Receipt of data.

Upon receipt of the data set forth in ~~Section 2-02~~ § 1.7 ~~above of these regulations in sufficient detail and clarity so as to show that the sewerage facilities meet requirements of these regulations,~~ a ~~certificate~~ plan approval or disapproval will be issued by the Department of Health.

A. ~~Certificate~~ Construction. Upon completion of construction of the sanitary and sewerage facilities at marinas and other places where boats are moored, the owner of the facility, or his duly authorized representative, shall notify the local health department. A certificate to operate shall be issued by the Health Department when it has been determined that construction is in compliance with ~~an~~ the approved plan.

B. Operation. All marinas and other places where boats are moored shall hold a valid certificate to operate in the Commonwealth of Virginia.

## § 1-10 § 1.9. Variances.

The commissioner may grant a variance to any requirement of this regulation if , after investigation , it is determined that the hardship imposed upon the owner or the public by compliance with these regulations outweigh the benefits that the regulations confer, or that there is no potential or actual public health hazard.

A. Effect of variance. A variance is a conditional waiver of a specific regulation which is granted to a particular or designated marina or other place where boats are moored. It is nontransferrable and it shall be attached to the certificate of the marina or other place where boats are moored to which it was granted. The variance is a

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condition of the certificate which is revoked if the certificate is revoked.

B. *Application for a variance.* Any owner of a marina or other place where boats are moored may apply in writing for a variance. This application shall be submitted to the local health department in the jurisdiction in which the marina or other place where boats are moored is located. This application shall include:

i. 1. A citation to the regulation from which a variance is requested;

ii. 2. A statement of reasons why the public health and welfare environment would not be better served detrimentally affected if a variance were is granted , and a list of suggested measures that would be implemented to prevent any potential detrimental impacts; and

iii. 3. Facts supporting the need and justification for the variance.

d. Suggested conditions that might be imposed on the granting of a variance that would limit detrimental impacts on public health and welfare.

## ~~§ 1-11~~ § 1.10. Suspension or revocation of a certificate.

The board may revoke or suspend a certificate for failure to construct and operate the sewerage facilities in accordance with the conditions of the application and certificate issued or for any violation of the requirement of this regulation.

## ~~§ 1-12~~ § 1.11. Administration appeals.

Any applicant or certificate holder who is aggrieved by an adverse decision of the commissioner may appeal in writing within 30 days after the notification of the adverse decision and request a fair hearing. Within 30 days of receipt of notification of appeal, the commissioner shall set a date and place for such hearing. Not later than 30 days following the hearing, the commissioner shall issue a final order with respect to the disposition of the appeal. Such hearing, notice and proceedings shall be conducted pursuant to the Administrative Process Act, Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

## ~~§ 1-12~~ § 1.15. Severability.

If any provision of these regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of any part of these regulations which can be given effect without the invalid provisions of application and to this end the provision of these regulations and the various applications thereof are declared to be severable.

## PART II.

## Section 4.00

### Article 1.

#### Required Facilities for Marinas and Other Places Where Boats Are Moored and Their Operation.

##### § 2.1. General.

A. All marinas or other places where boats are moored shall provide the minimum number of sanitary facilities for their patrons. These facilities shall be maintained in a clean and sanitary condition. They shall be equipped with toilet tissue, soap, towels and lights, and where handwashing facilities are required, soap and towels. These facilities shall be available to patrons and users of these facilities at all times during the normal boating season.

B. Marinas which are operated as part of residential developments, overnight lodging facilities, restaurants or commercial establishments, which are located within 1,000 feet of the shore end of the pier, are exempted from providing separate sanitary facilities, as long as the sanitary facilities at the residence, lodging establishment, restaurant or commercial establishment are available to all users of the marina. This exception does not apply to (i) marinas associated with restaurants or commercial establishments which allow overnight occupancy of boats and (ii) marinas associated with overnight lodging establishments where overnight occupancy of boats is permitted by persons not registered at the overnight lodging establishment.

C. Exempt from the requirements of subsection A are other places where boats are moored which serve residents of homes (houses, condominiums, apartments or mobile homes), their bonafide house guests, or registered guests of tourist establishments which provide adequate sanitary facilities that are located within 1,000 feet of the shore end of the pier.

D. In order to qualify for an exemption under subsection B or C, the owner of such marinas or other places where boats are moored shall provide to the department a signed, notarized statement that all conditions set forth in the aforementioned sections will be complied with by users of the facilities.

##### § 2.2. Location.

Adequate sanitary facilities shall be conveniently located within 500 feet walking distance from the shore end of any dock they are intended to serve or within a reasonable distance under unusual circumstances as determined by the bureau. It may be necessary to provide sanitary facilities in more than one location in order to meet the needs of the particular site developed.

##### § 2.3. Availability and marking of sanitary facilities.

The sanitary facilities shall be so located that they are

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available and readily accessible to users. They shall be appropriately marked with signs readily identifiable to all personnel who might desire to use the facilities.

## § 2.4. Marinas.

A. Minimum number of fixtures to be provided in sanitary facilities. It shall be understood that in many instances the site layout and the use of the marina may require more fixtures than are shown in the table below. If the board, after observation and study, determines that additional fixtures or buildings housing sanitary facilities are necessary, the owner ~~will~~ shall provide the additional fixtures so determined. The Table No. 1 below shows the minimum number of fixtures to be provided. Separate facilities for male and female personnel shall be provided in structures or structures.

Table #1

Number of Seasonal Slips	Commodes		Urinals Male	Lavatories		Showers	
	Male	Female		Male	Female	Male	Female
0 - 49	1	1	0	1	1	0	0
50 - 99	1	2	1	1	1	0	0
100 - 149	2	3	1	2	2	1	1
150 - 199	2	4	2	3	3	2	2
200 - 249	3	5	2	4	4	2	2

When the number of seasonal slips exceeds those above on Table #1 additional fixtures shall be provided. One commode, lavatory and shower will be provided for each sex for each 100 additional seasonal slips. A urinal may be substituted for a commode when the number of seasonal slips exceeds the Table #1 values.

B. Transient slip. When transient slips are available additional sanitary facilities shall be provided. Table No. 2 below shows the minimum number of additional fixtures required. These fixtures may be included in a structure or structures with those fixtures provided for the seasonal slip, provided the accessibility and convenience standards of and provisions of §§ 2.2 and 2.3 of these regulations are met.

Table #2

Number of Transient Slips	Commodes		Urinals Male	Lavatories		Showers	
	Male	Female		Male	Female	Male	Female
0 - 24	1	1	1	1	1	1	1
25 - 49	1	2	1	2	2	2	2
50 - 74	2	3	1	2	2	2	2
75 - 100	2	4	2	3	3	3	3

For each 24 or fraction thereof of transient slips or moorings in excess of those shown in Table #2 above, one commode, lavatory and shower shall be provided for each sex. In addition, one urinal shall be provided for each 50 or fraction thereof transient slips in excess of the number shown in Table #2.

§ 2.5. Sanitary facilities at other places where boats are moored.

Where piped water is available, sanitary facilities shall consist of a minimum of one commode and one lavatory for females and one commode and one lavatory for males. Sanitary facilities may consist of pit privies where piped water is not available. Walking distance to these facilities shall comply with § 2.2.

## § 2.6. Sewage treatment.

Public or municipal sewage treatment facilities shall be used if there is reasonable access to sewers. When such municipal means of disposal is not available, the owner shall have designed and installed an approved method of sewage treatment. Approved methods of sewage treatment are set forth in Chapter XIV, "Disposal of Sewage" Rules and Regulations of the State Board of Health and the State Water Control Law, the Sewerage Regulations (1977) or the Sewage Handling and Disposal Regulations (1982, as amended).

A. The following shall be used to determine the amount of sewage flow. It is assumed that each slip represents two persons. At marinas providing toilet facilities only, the flow figure shall be 10 gallons per person per day. At marinas providing toilet and shower facilities, the flow figure shall be 16 gallons per person per day except at marinas with only seasonal slips, where the flow figure shall be 10 gallons per person per day for the first 99 slips, regardless of whether showers are available, or not and 16 gallons per person per day for all slips above the 99 slips. For both wet and dry storage facilities it is assumed that each boat trailer parking space represents two persons. The sewage flow will be five gallons per person per day.

B. Where restaurants or motels will be are operated in connection with a marina or place where boats are moored the following shall be used as a basis for determining the amount of sewage flow:

Motels - 65 gallons per person per day or a minimum of 130 gallons per room per day.

Restaurant - 50 to 180 gallons per seat per day. Each installation will be evaluated according to conditions.

C. The occupancy level of boats used for design of sewage treatment or disposal facilities will be those levels listed in § 2.6 A above of these regulations. It is recognized that the type of activity and utilization of marina or places where boats are moored varies and, therefore, additional facilities to provide capacity up to maximum may be required if the need arises. The local health director serving the area in which the marina is located shall make such determination.

§ 2.7. All marinas and places where boats are moored, regardless of size or number of boat moorings, shall have

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means of pumping or removing sewage from boats. These pump-out facilities shall include all the equipment, structures and treatment or disposal facilities necessary to ultimately discharge or dispose of this boat sewage in an efficient and sanitary manner without causing an actual or potential public health hazard. Exempt from this requirement are marinas and other places where boats are moored which do not allow boats with an installed toilet with a discharge overboard or sewage holding tank to use any of the services provided, including moorage, except in an emergency. In order to qualify for this exemption, the owner of such marina or other place where boats are moored shall provide the department with a signed notarized statement that boats with installed toilets with overboard discharges or sewage holding tanks shall not be permitted to use the marina or other places facilities.

A. Method of Disposal - Each application of an owner shall set forth the manner in which sewage from boats shall be handled and disposed of in an approved manner. Approved method of disposal is set forth in Regulations of State Health Department titled "Disposal of Sewage" or in accordance with State Water Control Law and such rules and regulations which have been adopted by State Water Control Board under this law. The local health department shall advise and assist the owner in developing acceptable systems. Because of the use of disinfectants and odor inhibitors in boat sewerage systems special disposal of this sewage in a small treatment works may be ill-advised, and therefore, a system of either portable or fixed holding tanks with disposal through a larger municipal or specially designed or constructed treatment or disposal facility may be indicated. An additional approved method of disposal of boat waste is incineration. Scavenger systems with ultimate disposal in approved treatment or disposal facilities may be approved. Availability and operation. Where pump-out facilities are required, the owner shall install, maintain in good operating condition and provide pump-out during normal working hours to users of the marina or other places where boats are moored.

B. Minimum design criteria for pump-out facilities. The purpose of these minimum design criteria is to provide the owner and the Department of Health with acceptable methods for pumping, storing, conveying and treatment of the contents from boat holding tanks. The owner shall furnish the following information for each proposed pump-out facility:

1. Pumping equipment - pump equipment may be fixed or portable. A minimum pump capacity of 10 gpm will be permitted; however, at marinas with 51 or more slips, greater pumping capacity may be required. Pumps shall be of a macerator type or have sufficient size suction and discharge openings to prevent clogging. Manually operated pumps are not permitted. Pump data from the manufacturer shall include:

a. The type of pump (diaphragm or centrifugal, and power);

b. Rated capacity (gpm, hp. and head);

c. Motor type (electric or gas), if power operated; and

d. Suction and discharge opening size.

2. Location schematic - if fixed pump-out equipment is proposed, a schematic of the location with elevations for items a, b, c, d and e, as described below, shall be included, or if portable pump-out equipment is proposed, a schematic shall indicate elevations for items a, c, f and g, as described below:

a. Mean low water level;

b. Elevation of dock;

c. Greatest elevation of suction center line of pump;

d. Elevation of discharge point;

e. Highest point in discharge line;

f. Type of dock (floating or stationary); and

g. Greatest elevation of any dock.

All elevations shall be measured with respect to mean low water. If the elevation of mean low water is not known, assume it to be zero.

3. Fittings and hose (piping) - fittings and hoses (piping) which are used in operation of a pump-out facility shall meet the following:

a. Suction hose.

(1) A friction nozzle (right angle preferred) or wand-type attachment is to be provided on the end of the suction hose. Adapters shall be provided to fit any discharge connection from 1.5 to 4 inches in diameter.

(2) A check valve shall be provided on the suction hose at the nozzle.

(3) The hose shall be made of flexible, heavy-duty material that will be noncollapsing and nonkinking. The length of this line shall be determined on an individual case basis.

(4) If the suction line is to be installed in such a manner that sewage would discharge from the line when the pump is removed for service, a gate valve shall be provided on the pump end of the suction line.

b. Discharge hose and piping.

(1) The discharge hose or piping shall be equipped

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with watertight, permanent or positive locking type fittings and connections.

(2) Where flexible discharge hose is used, the hose shall be made of heavy-duty material and be nonkinking and noncollapsing.

c. Discharge line.

(1) A gate valve shall be provided on the discharge line at the pump;

(2) Suitable connections on the end of the discharge line shall be provided to prevent it from coming loose during discharge; all nozzles and fittings are to be positive locking, male and female.

(3) The discharge line must not be subject to freezing or leaking into the water course.

(4) Sewer lines on piers shall be located below water distribution lines. Water and sewer line separation and sewer line, water source separation requirements are set forth in the Waterworks Regulations and the Sewage Handling and Disposal Regulations.

(5) The discharge line connection to the pump-out receiving facility shall be fixed in place in such a manner as to prevent it from coming loose during discharge.

d. Pump-out facilities shall include equipment for rinsing the boats' holding tanks. Where potable water will be used for rinsing the holding tank, a backflow prevention device shall be installed on the water service line. A minimum of a hose bib type vacuum breaker shall be provided.

4. Other devices or methods of removal. Other devices or methods of removal of contents from boat holding tanks may be approved by the Commissioner on an individual case basis.

5. Onshore facilities. Contents from boat holding tanks shall be discharged to (i) a public wastewater collection system in which sewage is conveyed to an approved treatment facility; (ii) a holding tank whereby sewage may be stored until it is taken in an approved manner to an approved treatment facility; or (iii) directly to an approved sewage treatment facility.

a. For discharge to a public wastewater collection system, the following will be required: The owner of the marina or other place where boats are moored shall submit evidence, in writing, (i) of consent from the owner of the system, (ii) from the owner of any conveyance systems located downstream, which may be affected, and (iii) from the owner of the ultimate treatment facility. Verification shall be given that there are satisfactory provisions for

emptying the contents from portable toilets in a sanitary manner.

b. If sewage is to be stored in a holding tank, the holding tanks shall be sized, constructed and located to meet the criteria.

(1) Size of holding tank.

Marinas or other places where boats are moored shall size the holding tanks based upon the following tabulations:

Total Number of Boats Services with Holding Tanks	Required Onshore Holding Tank - Volume (gallons) Minimum
1 - 20	250
21 - 40	500
41 - 60	725
61 - 80	1000
81 - 100	1200
100+	2000

(2) Construction of holding tank.

(a) The holding tank shall be designed so that it is watertight and not subject to any infiltration or any leakage.

(b) When holding tanks are made of material other than crete, the internal surface of the holding tank shall be protected from corrosion. Materials used in the manufacture and installation of holding tanks shall be resistant to deterioration by prolonged or frequent contact with deodorizing chemicals, sewage decomposing chemicals, sewage, freshwater and saltwater.

(c) When holding tanks are made of material other than concrete, the outside surface of the holding tank shall be protected from corrosion.

(d) The holding tank shall be constructed of materials capable of withstanding the forces exerted on its walls.

(e) The holding tank shall be fixed in place unless it is part of an approved mobile pump-out unit.

(f) Provisions shall be made to assure that the holding tank can be completely emptied. The tank shall be essentially emptied when pumped out.

(g) The holding tank shall dequately vented. Screened, elbowed down vents installed at the top of the tank will serve this requirement.

(h) The inlet/outlet of the holding tank shall be compatible with the proposed method of removal.

(1) There shall be satisfactory provisions for emptying the contents from portable toilets in a sanitary manner.

(3) Holding tank location.

Separate distance between holding tank and various structures and features are contained in Table 4.4 of the Sewage Handling and Disposal Regulations.

(4) Any person who removes, or contracts to remove, and transport by vehicle, the contents of a holding tank shall have a written sewage handling permit issued by the Commissioner (see the Sewage Handling and Disposal Regulations).

c. Sewage treatment plant. Disposal of holding tank wastes shall not be allowed at small sewage treatment plants where shock loading may result or disinfectants and odor inhibitors will affect the operation of the treatment facility. Whenever feasible, the collected sewage shall be discharged directly to the sewer system of a large sewage treatment facility or transported for eventual treatment at a large plant.

## § 2.8. Sewage dump station.

A. All marinas and other places where boats are moored, regardless of size or number of boat moorings, shall have an acceptable receiving station for sewage from portable toilets used on boats. The owner shall install, maintain in good operating condition and provide a sewage dump station to users of the marina or other places where boats are moored. Exempt from this provision are marinas or other places where boats are moored, which also qualify for the § 2.1 B or § 2.1 C exemption, provided the owner of the sanitary facility will allow the dumping of the contents of portable toilets into the sanitary facilities.

B. Availability and operation. Where a sewage dump station is required, the owner shall install, maintain in good operating condition and provide the facilities to users of the marina or other places where boats are moored.

C. Minimum design criteria for a sewage dump station. The purpose of these minimum design criteria is to provide the owner and the Department of Health with acceptable methods of discharging sewage from a portable container into a sewage holding tank or a sewage treatment system. The same criteria as set forth in § 2.7 B5 for contents from boat holding tanks will apply for sewage dump stations. The sewage dump station receiving unit shall be a minimum of 12 inches in diameter and be equipped with a cover that has a lip of sufficient size to prevent it from accidentally being removed. If the unit is designed to drain, the drain shall be a minimum of four inches in diameter and equipped with a fly tight cover.



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COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF HEALTH  
BUREAU OF SANITARY ENGINEERING

APPLICATION FOR CERTIFICATE FOR SANITARY AND SEWERAGE  
FACILITIES AT MARINAS AND OTHER PLACES WHERE BOATS ARE MOORED

DATE \_\_\_\_\_

Name of Establishment \_\_\_\_\_

Address \_\_\_\_\_ County/City \_\_\_\_\_

Location of Establishment \_\_\_\_\_

Name of Owner \_\_\_\_\_

Complete Mailing Address \_\_\_\_\_ Zip \_\_\_\_\_

Telephone No. \_\_\_\_\_  
(Area Code) \_\_\_\_\_

1. Marina

Total Number of Seasonal Boat Slips \_\_\_\_\_

Total Number of Transient Boat Slips \_\_\_\_\_

2. Other Places Where Boats are Moored

Maximum Number of Boats that can be Accommodated \_\_\_\_\_

3. Wet and Dry Storage Number of Parking Spaces \_\_\_\_\_

4. Sanitary Facilities - (Enclose schematic of location of Sanitary facilities relative to any marina facilities and water supply. See attached example schematic)

	Seasonal Slips		Transient Slips		Other Places		Wet and Dry Storage Parking Spaces	
	Men	Women	Men	Women	Men	Women	Men	Women
Commodes	_____	_____	_____	_____	_____	_____	_____	_____
Urinals	_____	_____	_____	_____	_____	_____	_____	_____
Lavatories	_____	_____	_____	_____	_____	_____	_____	_____
Showers	_____	_____	_____	_____	_____	_____	_____	_____

Motel/Number of Rooms \_\_\_\_\_ Sewage Flow \_\_\_\_\_ gpd (per Marina Regulations)

Restaurant/Number of Seats \_\_\_\_\_ Sewage Flow \_\_\_\_\_ gpd (per Marina Regulations)

Total Maximum Daily Sewage Flow Based on Flow \_\_\_\_\_ gpd  
Criteria in Marina Regulations.

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Name of Establishment \_\_\_\_\_

## 6. Sewage Collection, Treatment, and Disposal

### A. Domestic Waste Treatment (Excluding contents from holding tanks on boats)

1. Name and location of Sewage Treatment facility to handle domestic wastes from marina or other places where boats are moored. (excluding contents from holding tanks on boats)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- a) If this is a new discharge, submit a copy of the NPDES permit/application with this application. (NPDES application may be obtained from any Regional Office of the Bureau of Sanitary Engineering)
- b) If this is an existing discharge, submit evidence of acceptance of your wastewater flow from the owner of the treatment facility.

2. If a septic tank and tile drain field system is used to handle domestic wastes from the marina or other places where boats are moored (excluding contents from holding tanks on boats) has the system been approved by the Local Health Department?

YES  NO

3. Other (Please describe)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### B. Pump-Out Facilities for Removing Contents from Holding Tanks on Boats.

1. Submit data from manufacturer which includes:

a) Equipment rating

type pump \_\_\_\_\_ (diaphragm, centrifugal, etc) \_\_\_\_\_ gpm @ \_\_\_\_\_ ft. TDH  
type pump motor \_\_\_\_\_ (gasoline, electric) rated \_\_\_\_\_ hp @ \_\_\_\_\_ rpm

b) Type and size of pumping appurtenances

	<u>Type</u>	<u>Size</u>
(1) Suction Line	_____	_____
(2) Rinse Line	_____	_____
(3) Discharge Line	_____	_____
(4) Nozzles	_____	_____
(5) Fittings	_____	_____
(6) Valves	_____	_____

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Name of Establishment \_\_\_\_\_

2. Enclose a schematic of proposed equipment installation showing all important relative elevations above mean low water level which include (See attached example schematic)

Mean low water level (if known date and time recorded, assume zero if not known and measure with respect to this)

elevation of dock  
elevation of center line of pump  
elevation of point of discharge  
high point in discharge line

3. If potable water supply is to be used for rinsing holding tanks, has an air gap make-up water tank been provided?

YES

NO

4. Is the connection to the receiving facility (end of pump-out discharge line) capable of being locked in place when pump-out facility in operation?

YES

NO

If no, what provisions have been made to prevent the discharge line from coming loose during pump-out? (Please describe)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. What provisions have been made to prevent leakage of wastewater or discharge of wastewater to the water course and dock area? (spill pan for pump, nozzle which prevents flow out of suction line when pump is shut off, water tight fittings and couplings on discharge line, etc.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Pump-Out to be available (months, days of week, hours of day)

\_\_\_\_\_  
\_\_\_\_\_

- C. Pump-Out Facility for Pumping Contents from Holding Tanks on Boats Discharges Wastewater Directly to: (check one)

Municipal or privately owned sewer system. If so do the following:

1. Attach the name and location of the sewer system and evidence of acceptance of flow from the owner of the sewer system.
2. Attach evidence of acceptance of flow from the owner of any downstream conveyance system affected and from the owner of the ultimate treatment facility.

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Name of Establishment \_\_\_\_\_

Holding Tank. If so do the following:

1. Indicate the proposed size in gallons, list appurtenances to be provided (see Design Guidelines for Pump Out Facilities and On-Shore Facilities at Marinas and other Places where boats are moored), sketch the proposed location with respect to water supply and marina facilities (see attached example), indicate provisions to prevent the holding tank from leaking (see Design Guidelines), and any other information available.
2. Briefly describe method of pump and haul indicating who owns pump and haul equipment, what type of equipment (indicate size), and proposed point of discharge. When pump and haul is to be used include evidence of approval of method by Local Health Department and evidence of approved point of discharge.
3. Attach a diagram of the proposed holding tank indicating dimensions, appurtenances and a caption describing it with respect to the "Design Guidelines".

Other (Please describe)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## 7. Water Supply Source Serving Marina

Water supplies for new installations or enlargements for existing installations shall comply with criteria in the Commonwealth of Virginia, Department of Health Waterworks Regulations adopted by the State Board of Health on 7 May 1974. Describe the source of water serving marina or other places where boats are moored.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please read the following paragraph carefully before signing this application

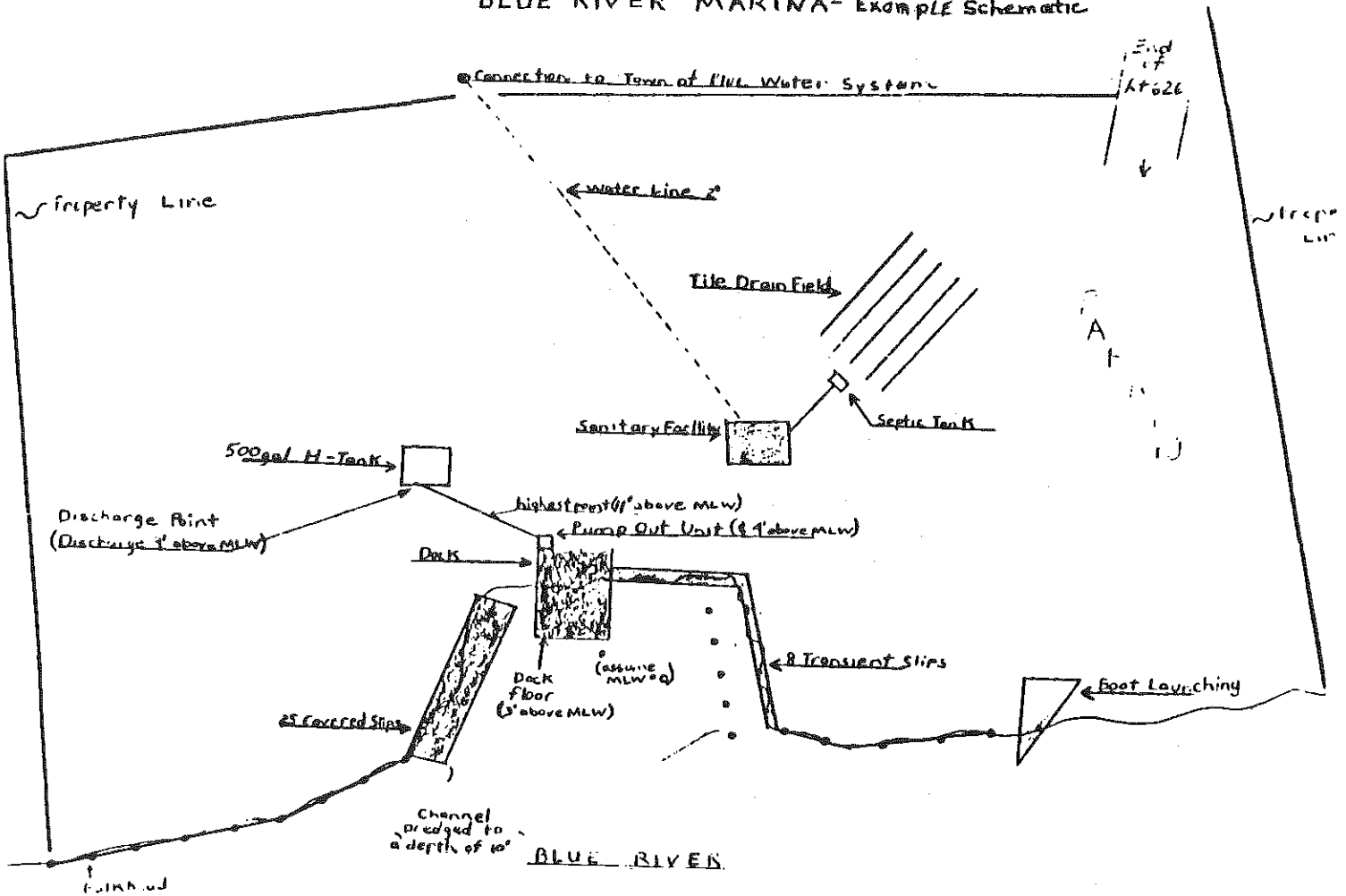
It is fully recognized and understood that additional sanitary facilities and holding tanks will be required should the need arise and this understanding is hereby acknowledged in this application. It is further understood that failure to provide additional facilities as may be required will result in cancellation of the State Health Department Certificate. I certify that I have filled out this application completely and accurately to the best of my knowledge.

Signed \_\_\_\_\_ Date \_\_\_\_\_  
Title \_\_\_\_\_

# Proposed Regulations

## BLUE RIVER MARINA- Example Schematic

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## DEPARTMENT OF TAXATION

**Title of Regulation:** VR 630-10-49.2. Innovative High Technology Industries and Research. (Retail Sales and Use Tax).

**Statutory Authority:** § 58.1-203 of the Code of Virginia.

**Public Hearing Date:** October 6, 1986 - 10 a.m.  
(See Calendar of Events section for additional information)

### Summary:

This regulation represents a revision of an earlier emergency regulation on the subject. The regulation sets forth the applicability of the sales and use tax, including the exemptions for industrial manufacturing and research and development activities, to businesses engaged in innovative high technology production or research. The emergency text has been revised to reflect amendments to the sales and use tax law enacted by the 1986 Session of the General Assembly. Such amendments relate to the sale of custom computer programs and modified prewritten computer programs and to the withdrawal of tangible personal property from inventory for donation to certain nonprofit and governmental organizations.

VR 630-10-49.2. Innovative High Technology Industries and Research. (Retail Sales and Use Tax).

### § 1. Generally.

Generally, any person producing a "high technology" or technologically innovative product, including systems, for sale or resale is entitled to the industrial manufacturing exemptions set forth in VR 630-10-63. In addition, a person engaged in basic research and/or developmental research and development activities in the experimental or laboratory sense which have as their ultimate goal the advancement of technology, the development of new products or processes, or the improvement of existing products or processes is generally entitled to the research exemption set forth in VR 630-10-92. Sales of tangible personal property by a high technology business are generally subject to the sales tax unless the seller takes from the purchaser a valid certificate of exemption. As set forth in VR 630-10-97.1, some transactions which involve both the provision of personal services and the sale of tangible personal property are not subject to the tax. Purely service transactions which do not involve a transfer of tangible personal property are also not subject to the tax.

High technology businesses already located or planning to locate in Virginia are encouraged to request rulings from the Tax Commissioner in order to clarify the exemptions available to them under the Virginia Retail Sales and Use Tax Act.

### § 2. Industrial manufacturing exemptions generally.

The industrial manufacturing exemptions are explained in detail in VR 630-10-63. Generally, those items exempted from the tax include materials that become a component part of finished products, machinery and tools, including computer hardware and software, that are used directly in production, power used to run exempt machinery, tangible personal property used directly in production line testing and quality control, and the materials, containers, labels, etc., used for the packaging of finished products. As stated in VR 630-10-63, the exemption applies only to the manufacture of products for sale or resale; thus, items used primarily in the production of products for one's own use are not entitled to the industrial manufacturing exemption. The preponderance of use test, which is applicable to tangible personal property used both in a taxable and exempt manner by an industrial manufacturer, is explained in VR 630-10-63.

### § 3. Research and development exemptions generally.

The exemption available for research activities is explained in detail in VR 630-10-92. To qualify for the exemption, tangible personal property must be used directly and exclusively in basic research or research and developmental activities in the experimental or laboratory sense. Generally, a research activity which has as its goal the advancement of existing knowledge or technology, the development of new uses for existing products, technology or processes, or the improvement of existing products, technology or processes will be entitled to the exemption. Thus, most research into innovative technologies or fields will qualify for the research exemption. However, the production of management studies and similar projects does not constitute exempt research under VR 630-10-92 as such projects do not involve experimental or laboratory research.

### § 4. Sales of tangible personal property or services.

The sale, lease or rental of tangible personal property by a high technology business is generally subject to the sales tax unless the purchaser or lessee furnishes the seller or lessor with a valid certificate of exemption as explained in VR 630-10-20. Pursuant to § 58.1-602 16 of the Code of Virginia, a "sale" is "any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property." The term "lease or rental" is defined in § 58.1-602 8 of the Code of Virginia as "the leasing or renting of tangible personal property and the possession or use thereof by the lessee or renter for a consideration, without transfer of the title to such property."

"Custom programs" (custom computer software) are specifically excluded from the definition of "tangible personal property" found in § 58.1-602 19 of the Code of Virginia; therefore, the sale, lease or rental of such programs is not subject to the sales and use tax. "Custom

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program" is defined in § 58.1-602 24 of the Code of Virginia as "a computer program which is specifically designed and developed only for one customer. The combining of two or more prewritten programs does not constitute a custom computer program. A prewritten program that is modified to any degree remains a prewritten program and does not become custom."

As provided in VR 630-10-57 and VR 630-10-95, the tax is applicable to the total charge made to the purchaser or lessee by the vendor, including charges made for any services in connection with the sale, rental or lease. Service and labor charges in connection with a sale, rental or lease are taxable because they are specifically included in the statutory definitions of "sales price" (§ 58.1-602 17 of the Code of Virginia) and "gross proceeds" (§ 58.1-602 4 of the Code of Virginia), upon which the tax is computed. Those statutes permit, however, the deduction of separately stated installation and repair labor charges from the base used for computing the tax. Effective July 1, 1986, those statutes also permit the deduction of "an amount separately charged for labor or services rendered in connection with the modification of prewritten programs." "Prewritten program" is defined in § 58.1-602 25 of the Code of Virginia as a "computer program that is prepared, held or existing for general or repeated sale or lease, including a computer program developed for in-house use and subsequently sold or leased to unrelated third parties."

Purely service transactions in which no tangible personal property pass to the customer are not subject to the tax. Tangible personal property used or consumed in the provision of such services is subject to the tax at the time of purchase.

As explained below in § 5, True object test, certain transactions which involve the sale of tangible personal property as an inconsequential element of a personal service transaction are not subject to the tax.

## § 5. True object test.

Certain "mixed" transactions that involve both the sale of tangible personal property and the provision of personal services by the vendor are not taxable. Those transactions deemed exempt are ones in which the sale of tangible personal property is inconsequential to the services provided by the vendor and for which a lump sum charge is made by the vendor.

The procedure for determining whether a mixed transaction is nontaxable is set forth in VR 630-10-97.1. Liability for the tax depends on whether the true object of the transaction is to obtain a nontaxable service or taxable tangible personal property. If the true object is to obtain tangible personal property, a taxable sale occurs.

## § 6. Specific high technology activities.

### A. Computer software.

The production of computer software in tangible form for sale or resale generally constitutes industrial manufacturing. Therefore, the exemptions set forth in VR 630-10-63 are generally applicable to such production; however, the exemptions are not available for persons who produce computer software for purposes other than for sale or resale or computer software that does not constitute tangible personal property. Examples of exempt tangible personal property used directly in the production of computer software for sale or resale include, but are not limited to, computer hardware and software used to encode magnetic tapes or other storage medium or to otherwise produce finished products, and the tangible medium that the finished products will take (tapes, discs, etc.).

Tangible personal property used directly and exclusively in computer software research and development activities is generally exempt from the tax. Exempt research and development activities are those that have as their ultimate goal the advancement of computer software technology, the development of new computer software products, the improvement of existing computer products, or the development of new uses for existing computer software products. An example of exempt tangible personal property used in a research and development activity is computer hardware and software used in programming and other developmental activities, including the testing, of with respect to new computer software products, including the testing of such new products .

### B. Information technology.

Persons engaged in research and development in the fields of computer hardware and software engineering, operations research and decisions sciences, systems engineering and analysis, and human-computer interface with the ultimate goal of advancing information technology or developing new products, technology or processes or improving or finding new uses for existing products, technology or processes are generally entitled to the exemption explained in VR 630-10-92.

Research and development activities entitled to the research exemption include, but are not limited to, (i) developing the theory and design of digital or analog computer hardware along with the integrated design of software and firmware, (ii) developing the theory, modeling, and design of management information system, (iii) the design and analysis of information systems as physical entities with a focus on the system life-cycle, and (iv) human factors engineering for the design, testing, and evaluation of the human-computer interface.

Persons engaged in the production of products for sale or resale resulting from research and development in the information technology fields are generally deemed to be industrial manufacturers entitled to the exemptions set forth in VR 630-10-63.

### C. Biotechnology.

Persons engaged in research and development in the fields of biotechnology and genetic engineering with the ultimate goal of advancing knowledge or technology in those fields, developing new products, technology or processes, developing new uses for existing products, technology or processes, or improving existing products, technology or processes are generally entitled to the research exemption set forth in VR 630-10-92.

Research and development activities entitled to the exemption include, but are not limited to, the application of recombinant DNA techniques to the development and improvement of agricultural and biomedical products, technology or processes, the development of monoclonal antibodies using hybridoma technology, and the development of instrumentation for use in scientific research.

Generally, persons engaged in the production of products resulting from biotechnological research are industrial manufacturers entitled to the exemptions set forth in VR 630-10-63.

#### D. Computer aided engineering.

Persons engaged in research and development in the field of computer aided engineering are generally entitled to the research exemptions set forth in VR 630-10-92 when such research has as its goal the advancement of technology, the development of new products, technology or processes, the development of new uses for existing products, technology or processes, or the improvement of existing products, technology or processes.

Exempt research activities include, but are not limited to, research and development into advanced automation (including artificial intelligence and computer vision), integrated manufacturing systems (robotics and computer vision), and structural dynamics.

Generally, persons engaged in the production of products resulting from research and development into computer aided engineering are industrial manufacturers entitled to the exemptions set forth in VR 630-10-63.

#### E. Materials science.

Persons engaged in research and development in the field of materials science with the ultimate goal of advancing technology, developing new products, technology or processes, or new uses for existing products, technology or processes, or improving existing products, technology or processes are generally entitled to the research exemption found at VR 630-10-92.

Examples of exempt research activities include, but are not limited to, research and development into the making and use of composite materials, high performance alloys, and semiconductor materials.

Persons engaged in the production of products resulting

from materials science research are generally entitled to the industrial manufacturing exemptions set forth in VR 630-10-63.

#### F. Other high technology activities.

To determine the correct application of the tax to high technology activities other than the five set forth above, a request for a ruling should be addressed to the Tax Commissioner as suggested in § 1, Generally.

#### § 7. Innovative Technology Authority.

The Innovative Technology Authority is exempt from the sales and use tax under ~~VR 630-10-45~~ § 9-262 of the Code of Virginia on all of its purchases, leases or rentals of tangible personal property. The application of the tax generally to political subdivisions such as the Innovative Technology Authority is set forth in VR 630-10-45. In addition, all tangible personal property purchased, leased or rented by a nonprofit college or university in conjunction with research sponsored, encouraged or inspired by the Innovative Technology Authority or the Center for Innovative Technology is exempt from the tax pursuant to VR 630-10-96.

Effective July 1, 1986, tangible personal property ~~donated~~ withdrawn from inventory for donation to the Innovative Technology Authority, Center for Innovative Technology, or nonprofit colleges or universities ~~on which the sales and use tax has not previously been paid is generally not taxable to the donor pursuant to VR 630-10-20.D.~~ § 58.1-608 59 of the Code of Virginia.

For additional information on the manufacturing exemptions, see VR 630-10-63; for the research exemption, see VR 630-10-92; for the "true object" test, see VR 630-10-97.1; and for computer software, see VR 630-10-24.5. NOTE: VR 630-10-24.5 relating to computer software is tentatively scheduled for adoption in March 1987. Section added 1/86, section revised 12/86.



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# FINAL REGULATIONS

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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 regulations.

### BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

**Title of Regulation:** VR 394-01-22. Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code, 1984 Edition.

**Statutory Authority:** Article 1 (§ 36-97 et seq.) of Chapter 6, of the Code of Virginia.

**Effective Date:** October 1, 1986

#### NOTICE

Due to its length the proposed Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code, 1984 Edition, filed by the Division of Building Regulatory Services, Department of Housing and Community Development, is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary and proposed amendments are being published in lieu of the full text. The full text of the regulations is available for public inspection at the office of the Registrar of Regulations and the Department of Housing and Community Development.

#### Summary:

Volume II - Building Maintenance Code/1984 of the Virginia Uniform Statewide Building Code is a new set of regulations originally adopted by the Board of Housing and Community Development on November 18, 1985, to become effective April 1, 1986. On February 3, 1986, the board, after considering a legislative objection filed by the House General Laws Committee under the Administrative Process Act, postponed the effective date until October 1, 1986, for the purpose of considering a proposed amendment in response to the legislative objection. This objection dealt with a burden that would be imposed on building owners by the need to retrofit certain buildings to conform standards of the Building Maintenance Code whenever they might be in excess of those under which the building was constructed. It is the intent of the amendment to limit required changes to the standards under which the buildings were constructed, provided the buildings are otherwise maintained in good repair. However, such buildings are still required to comply with all applicable requirements of the Virginia Public Building Safety Regulations.

VR 394-01-22. Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code, 1984 Edition.

Amend § 100.5.1 of Volume II - Building Maintenance Code, Virginia Uniform Statewide Building Code/1984 as follows,

§ 100.5.1. Application to pre-USBC buildings. Buildings or portions thereof constructed, altered, converted or repaired before the effective date of the initial edition of the Virginia Uniform Statewide Building Code (USBC) shall be maintained in compliance with the Building Maintenance Code and with the Virginia Public Building Safety Regulations/1984 Edition (VPBSR); provided, however, [ *that the Code Official shall exempt from the provisions of the Uniform Statewide Building Code, Volume II, Building Maintenance Code, alterations of building uses, designs and equipment existing under a current certificate of occupancy unless an unsafe or unhealthy condition exists.* ]

### DEPARTMENT OF MOTOR VEHICLES

**Title of Regulation:** Virginia Oil Company Excise Tax Rules and Regulations. (REPEALED)

**Statutory Authority:** § 46.1-26 of the Code of Virginia.

The Virginia Oil Company Excise Tax Act (§§ 58.1-2300 - 58.1-2311 of the Code of Virginia), which gave DMV authority to adopt these rules and regulations, was repealed with the adoption of Senate Bill 79, which went into effect July 1, 1986. The legislation eliminated the need for the regulations.

### DEPARTMENT OF THE TREASURY AND TREASURY BOARD

**Title of Regulation:** VR 640-01-1. Public Participation Guidelines for the Department of the Treasury and Treasury Board.

**Statutory Authority:** §§ 2.1-180, 2.1-364, 55-200.1 and 55-210.27 of the Code of Virginia.

**Effective Date:** September 3, 1986

#### Summary:

*The Virginia Department of the Treasury and the*

Treasury Board's Public Participation Guidelines will be used to solicit and promote the participation of all interested and affected parties in the development, formulation and adoption of such regulations as the department and the board may promulgate under the authority established by state law.

VR 640-01-1. Public Participation Guidelines for the Department of the Treasury and Treasury Board.

## § 1. Generally.

In developing [ ~~any proposed~~ ] regulations [ ~~which they propose~~ ], the Department of the Treasury or Treasury Board (collectively, "department") are committed to [ active solicitation of ~~soliciting~~ ] input and comment from interested citizens, professional associations, and industry associations. [ ~~Such input and participation shall be actively solicited by the department.~~ ]

Any person who is interested in participating in the regulation development process should [ ~~immediately~~ ] notify the department in writing. Such notification of interest should be sent to Agency Regulatory Coordinator, Department of the Treasury, P.O. Box 6-H, Richmond, Va. 23215.

## § 2. Identification of interested parties.

Prior to the development of any regulation, the department shall identify persons whom it feels would be likely to be interested in or affected by the proposal. The methods for identifying interested parties shall include, but not be limited to, the following:

1. Obtaining annually from the Secretary of the Commonwealth a list of all persons, citizen groups, associations and others who have registered as lobbyists for the annual General Assembly session. This list will be used to identify interest groups which may be interested in the subject matter of the proposed regulation;

2. Utilizing the statewide listing of business, professional, civic and charitable associations and societies in Virginia published by the State Chamber of Commerce to identify additional industry and professional associations which might be interested in the regulation;

3. Utilizing department subject matter files to identify persons who have previously raised questions or expressed an interest in the subject matter under consideration through requests for rulings or information; and

4. Utilizing a standing list, compiled by the department, of persons who have previously participated in public proceedings relative to similar subject matters who have expressed [ ~~an~~ a general ] interest in [ ~~an~~ ] Treasury regulations.

## § 3. Notification of interested parties.

### A. Generally.

The department shall prepare a Notice of Intended Regulatory Action prior to the development of any regulations. The notice shall identify the subject matter and purpose for the development of the new regulation(s) and shall specify a [ ~~time~~ ] deadline for receipt of responses from persons interested in participating in the development process.

### B. Dissemination of notice.

The methods for disseminating the notice to the public shall include, but not be limited to, the following:

1. Sending notice to all persons identified (pursuant to subdivision 2 of § 2 above) as having a potential interest in the regulation;

2. Publishing notice in the Virginia Register of Regulations ; and

3. Requesting that industry, professional and citizen associations [ ~~to whom the notice is sent~~ ] publish the notice in their newsletters or journals or use any other means available to them to disseminate the notice to their membership.

## § 4. Public participation.

### A. Regulation development.

1. Initial comment. After interested parties have responded to the notice, the department [ ~~will analyze the level of interest. If sufficient interest exists, the department~~ ] may schedule informal meetings prior to the development of any regulation to determine specific areas of interest and concern and to gather factual information relative to the subject matter of the regulation. Alternatively, the department may elect to request that persons who have responded to the notice make written submissions of comments, concerns and suggestions relative to the proposed regulation.

2. Preparation of working draft. Subsequent to the initial public [ ~~input on the development of any regulation comment~~ ], the department shall develop a working draft of the proposed regulation. In certain instances where the technical nature of the subject matter merits, the department may request that industry or professional groups develop a working draft. Copies of such drafts 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.

# Final Regulations

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B. [ ~~Submission Promulgation~~ ] of [ ~~proposed~~ ] regulation [ ~~under the Administrative Process Act (APA)~~ ].

Upon conclusion of the development process, the department shall [ ~~prepare promulgate~~ ] the regulation for submission to the Registrar of Regulations pursuant to the Administrative Process Act ("APA"), Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia. The department shall furnish to all persons identified as having a potential interest in the subject matter, a copy of the [ ~~proposed~~ ] regulation [ ~~as submitted to the Registrar of Regulations together with and~~ ] a copy of the general public notice of opportunity for oral or written [ ~~submission as to that regulation accompanied by~~ ] a cover letter [ ~~accompanying these documents shall explain explaining~~ ] the deadlines [ ~~established by the APA~~ ] for [ ~~submitting formal public comments under the APA submissions of comment~~ ]. In some cases, the public opportunity to comment may be limited to written [ ~~submissions; such a limitation, however, must be : This election shall be~~ ] clearly set forth in the notice. The date by which and place to which submissions must be made shall be clearly specified. Where a public hearing is to be held, the time, date, and place shall be clearly specified. Additionally, the date by which persons intending to participate in the public hearing should notify the department of their interest shall be noted. Persons who will participate will be encouraged to submit written copies of their comments in advance or at the public hearing in order to insure that all comments are accurately reflected in the formal transcript of the hearing.

[ ~~C. Adoption period.~~ ]

C. Publication of final regulation.

[ ~~When any regulation is published In order to promote voluntary compliance~~ ], the department shall print and distribute copies of all regulations. [ ~~The distribution of any regulation shall be made with a goal of increasing voluntary compliance.~~ ]

Upon issuing an order adopting a regulation, the department, at its discretion, may send to participants a copy of the regulation as adopted, together with its response to comments made during the public hearing or written submittal period.

# EMERGENCY REGULATION

## DEPARTMENT OF MOTOR VEHICLES

**Title of Regulation:** VR 485-30-8601. Regulations Governing Grants to be Made Pursuant to the Virginia Alcohol Fuel Production Incentive Program Fund.

**Statutory Authority:** Article 3.1 of Chapter 21 of Title 58.1 (§ 58.1-2127.1 et seq.) of the Code of Virginia.

**Effective Date:** July 11, 1986.

### Preamble:

A. The Commissioner of the Department of Motor Vehicles of the Commonwealth of Virginia, pursuant to Virginia Code § 58.1-2127.7, hereby adopts the following rules and regulations relating to the interpretation and enforcement of Article 3.1 of Chapter 21 of Title 58.1 (§ 58.1-2127.1, et seq.) of the Code of Virginia relating to an Alcohol Fuel Production Incentive Program.

B. Further, the Commissioner of the Department of Motor Vehicles finds that an emergency situation exists necessitating the immediate promulgation of the following rules and regulations. Such emergency precludes promulgation by the usual procedures of Article 2 of the Virginia Administrative Process Act (APA) (Virginia Code § 9-6.14:1 et seq.). Accordingly, these rules and regulations are adopted as emergency regulations, which action is excluded from the operation of Article 2 of the APA pursuant to Virginia Code § 9-6.14:4.1. C.5.

The nature of the emergency and the necessity for emergency regulations is that the effective date of the legislation which established the Alcohol Fuel Production Incentive Program Fund (Chapter 553 of the 1986 Acts of Assembly) is July 1, 1986, and the first reports required to be filed pursuant to that legislation must be filed by July 15, 1986. Accordingly, it is essential that regulations governing such filings be in place by July 1, 1986 to permit the distribution of forms and instructions prior to July 15, 1986. Because Chapter 553 was not approved until April 7, 1986, however, and because the normal procedure for adoption of regulations pursuant to the APA requires a minimum of 90 to 120 days, it would be impossible to have regulations in place by the effective date of Chapter 553 except by the adoption of emergency regulations.

These emergency regulations shall be in effect as of July 11, 1986, and shall remain in effect until such time as permanent regulations have been promulgated pursuant to Article 2 of the APA and shall have become effective pursuant to Virginia Code § 9-6.14:9.3. Action to promulgate permanent regulations, including public comment, shall be initiated as soon as possible after July 1, 1986, and should be completed on or before February 1, 1987. Such permanent

regulations shall be as herein contained except for changes deemed necessary or desirable in light of public comment, and except that paragraphs (B) and (C) of the preamble shall be eliminated.

C. Grant payments made pursuant to these emergency regulations shall not be subject to rescission notwithstanding any changes in the method of determining eligibility for grants required by the provisions of the permanent regulations adopted pursuant to Article 2 of the APA.

The Department of Motor Vehicle will receive, consider and respond to any petitions to reconsider or revise these emergency regulations which are filed by any interested person prior to the expiration of these emergency regulations.

VR 485-30-8601. Regulations Governing Grants to be Made Pursuant to the Virginia Alcohol Fuel Production Incentive Program Fund.

## PART I GENERAL PROVISIONS.

### § 1.1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means Article 3.1 of Chapter 21 of Title 58.1 of the Code of Virginia.

"Department" means the Department of Motor Vehicles of this Commonwealth.

"Person" means every natural person, firm, partnership, association or corporation.

"Producer" means every person who owns or operates a plant in Virginia which produces denatured anhydrous ethyl alcohol.

"Program" means the Alcohol Fuel Production Incentive Program established pursuant to the Act.

"Registration" means Certificate of Registration issued by the Department of Motor Vehicles.

§ 1.2. These regulations are made and promulgated pursuant to Chapter 1.1:1 and 1.2 of Title 9, and § 58.1-2127.7 of the Code of Virginia (1950), as amended. They are intended only as a supplement to the provisions of Article 3.1 of Chapter 21 of Title 58.1 of the Code of Virginia and must be read in conjunction with that Act.

§ 1.3. All registration applications, annual reports and monthly report and grant applications required by these rules must be filed at the Headquarters Building of the Department of Motor Vehicles, P.O. Box 27422, Richmond,

# Emergency Regulation

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Virginia, 23261-7422. If mailed to said address, they shall be deemed filed on the date postmarked. If mailed to any other address or if delivered other than by mail, they shall be considered filed when received at 2300 West Broad Street, Richmond, Virginia.

## PART II. REGISTRATION.

§ 2.1. Every plant for which an Alcohol Fuel Production Incentive Program Grant will be sought must be registered with the Department of Motor Vehicles. There will be no charge for such registration. Application for such registration shall be made on forms prescribed by the department. Applications shall be filed with the department on or before July 15, 1986, for all Class I and Class III plants and on or before July 15, 1986, for all Class II plants installed or substantially completed on or before that date. Class II plants installed or substantially completed after July 15, 1986, shall file an application not less than 15 days prior to the date production begins. The registration certificate shall:

1. Describe fully the physical characteristics of the plant facility;
2. State fully the person or persons who own or operate the plant as producers;
3. State the ethanol production capacity of the plant;
4. State whether the plant is a Class I, II, or III plant; and
5. Identify the plant by a unique numerical designation which the department shall assign to the plant and which shall not change for the duration of the program.

§ 2.2. Registration certificates shall be transferrable provided that notice must be given to the department within 15 days after any change in ownership of the plant including any change in the identity of the producers associated with the plant.

§ 2.3. Each applicant for registration must state on the application for such registration whether the plant is a Class I, II, or III plant, and must identify every individual who holds an ownership interest in the plant or in the primary producer if the primary producer is other than an individual, except that if the producer is a publicly held corporation only those individuals holding more than 10% ownership interest in the producer need be identified.

### A. Class I plants.

A Class I plant is a plant, located in Virginia, in which denatured anhydrous ethyl alcohol is produced and which was installed or substantially completed as of January 1, 1986. For each Class I plant the total annual production for which grants will be paid, per fiscal year, pursuant to

the program shall be limited to the lesser of 3.5 million gallons or the installed annual production capacity of such Class I plant as of January 1, 1986 (using feedstock of 194 proof or less ethyl alcohol). An applicant for a Class I plant registration must state on the application the installed annual production capacity of such plant, as of January 1, 1986, using feedstock of 194 proof or less ethyl alcohol. This figure shall be stated upon the registration certificate and shall not be changed for such plant for the duration of the program, unless the department determines that the figure improperly reflects such capacity. The total annual statewide production for which grants will be paid for Class I plants cannot exceed 45 million gallons per fiscal year, but may be less than 45 million gallons if the qualifying production of Class I plants does not reach that level or if the production of Class II and Class III plants reduces the number of gallons to be allocated to Class I plants below 45 million gallons.

### B. Class II plants.

A Class II plant is a plant, located in Virginia, in which denatured anhydrous ethyl alcohol is produced, and which was not installed or substantially completed before January 1, 1986. No grants shall be paid for the alcohol produced by a Class II plant unless both the fermentation and distillation processes are conducted entirely in Virginia. Applicants for a Class II plant registration shall state on the application whether the fermentation process will be conducted at the plant, and, if not, where such fermentation will take place. There is no limit on the number of gallons for which grants will be paid for the production of Class II plants, except for the total statewide limit of 65 million gallons for all alcohol fuel production plants for each fiscal year.

### C. Class III plants.

A Class III plant is a plant, located in Virginia, in which denatured ethyl alcohol is produced, and which was not installed or substantially completed as of January 1, 1986. To qualify as a Class III plant, the producer must have had on March 1, 1986, a binding contractual agreement for the purchase of the terminal facility which is the site where the Class III plant will be built. The denatured anhydrous ethyl alcohol produced by a Class III plant need not have been fermented in Virginia in order to qualify for grants. The total annual production for which grants will be paid shall not exceed 3.5 million gallons per fiscal year for each Class III plant, subject to the statewide limit of 65 million gallons for all alcohol fuel production plants for each fiscal year.

## PART III. ANNUAL REPORTS.

§ 3.1. An annual report as required by § 58.1-2127.3 of the Code of Virginia shall be filed separately for each plant registered with the department on forms provided by the department. Each such report shall state clearly the plant identification number assigned to the plant on the

# Emergency Regulation

registration certificate issued for it. If no registration has been issued, then the annual report form shall accompany the application for registration. Annual reports shall be filed on or before July 15, 1986, for the fiscal year 1986-87, and on or before May 31 of each subsequent fiscal year. Plants which begin operations after the time for filing an annual report must file such report not later than fifteen days from the date production begins.

§ 3.2. Annual reports shall project, as accurately as possible, the approximate monthly production of denatured anhydrous ethyl alcohol for the plant, including the number of gallons of alcohol for which grants will be sought, for the upcoming fiscal year. No applications for grants shall be processed unless a current annual report is on file with the department.

## PART IV. MONTHLY REPORT AND GRANT APPLICATION.

§ 4.1. A "Monthly Report and Grant Application" shall be filed separately for each plant registered with the department, on forms provided by the department. Such report shall be filed, and shall report all ethyl alcohol produced during the reporting month, even if no grants are sought for the month being reported and even if no ethyl alcohol is produced for that month. Each such report shall state the plant identification number assigned to the plant on the registration certificate issued for it.

§ 4.2. Monthly report and grant applications which are not filed on or before the fifteenth business day of the month following the month being reported shall not be considered for grant payments, nor shall any further grants be made for that plant until all delinquent monthly reports have been filed. A business day shall be every day except Sundays and those holidays observed by the Commonwealth of Virginia.

## PART V. PAYMENT OF GRANTS.

§ 5.1. Payment of all grants will be made on the basis of the plant registration and will be made to the primary producer or producers listed on the registration certificate in the percentages stated thereon. Grants shall be paid only for actual production, during the month reported, of denatured anhydrous ethyl alcohol produced for resale and intended for blending with motor fuel. The amount of the grant will be calculated by multiplying the grant rate per gallon as provided in the Act for the month being reported, times the number of qualifying gallons of anhydrous ethyl alcohol produced during the reporting month, subject to the gallonage limitations provided by statute. In the event the total grant applications for a particular month will cause the fiscal year's production total to exceed the production limits established in the Act (45 million gallons for all Class I plants and 65 million gallons for all plants), proportional grants will be allocated to each plant from the remaining available production gallonage based upon the amount requested compared to

the number of gallons available. Grants for Class I plants will be satisfied before considering requests for Class II and Class III plants. The general formula for figuring the entitlement for an individual plant when the fiscal year limits of the fund are to be exceeded is as follows:

$$\frac{\text{Remaining available gallons}}{\text{..... request to be awarded month's total grant requests}} = \text{Percent of plant grant}$$

$$(\text{Percent}) \times (\text{grant request for each plant}) = \text{amount of ..... actual grant for each plant}$$

**Example 1:** As of April 30, 44 million gallons worth of grants have been awarded for all Class I plants for the fiscal year. Therefore, the remaining gallonage available for all Class I plant grants would be one million gallons. If the applications for all Class I plants for the month of May equals 2 million gallons, then each Class I plant would be allocated 50 percent of its grant request:

$$\frac{1 \text{ million gallons}}{2 \text{ million gallons}} = 50\% \text{ of request for each Class I plant}$$

If a grant for 200,000 gallons was sought for Class I plant XYZ, and a grant for 300,000 gallons was sought for Class I plant ABC, the actual grants would be as follows:

Plant XYZ: 50% x 200,000 gallons = grant for 100,000 gallons

Plant ABC: 50% x 300,000 gallons = grant for 150,000 gallons

..... and so on for all Class I plants.

**Example 2:** As of May 31, 63 million gallons worth of grants have been awarded for all plants for the fiscal year. Therefore, the remaining gallonage available for all plants would be two million gallons. If the total applications for all plants for the month of June equals five million gallons, one million for Class I plants and four million for Class II and III plants, then grants for all Class I plants would be paid in full (assuming that the 45 million gallon limit for Class I plants would not be exceeded) and grants for one million gallons would be available for all Class II and Class III plants. In this example, each Class II and III plant would be allocated 25 percent of its grant request.

$$\frac{1 \text{ million gallons}}{4 \text{ million gallons}} = 25\% \text{ of requests for Class II and III plants}$$

If a grant for 200,000 gallons was sought for Class II plant ABC, and a grant for 100,000 gallons was sought for Class III plant XYZ, the actual grants would be as follows:

Plant ABC: 25% x 200,000 gallons = grant for 50,000 gallons

Plant XYZ: 25% x 100,000 gallons = grant for 25,000 gallons

..... and so on for all Class II and III plants

**Example 3:** As of May 31, 64 million gallons worth of

## Emergency Regulation

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grants have been awarded to all plants for the fiscal year. Therefore, the remaining gallonage available for all plants would be for one million gallons. If the total applications from all plants for the month of June equals three million gallons, two million from Class I plants and one million from Class II and III plants, then each Class I plant would be allocated 50 percent of its grant request (assuming that the 45 million gallon limit for Class I plants would not be exceeded) while Class II and III plants would not receive any grants for that month:

1 million gallons = 50% of request for each Class I plant  
2 million gallons

If a grant for 200,000 gallons was sought for Class I plant XYZ, and a grant for 300,000 gallons was sought for Class I plant ABC, the actual grants would be as follows:

Plant XYZ: 50% x 200,000 gallons = grant for 100,000 gallons

Plant ABC: 50% x 300,000 gallons = grant for 150,000 gallons

..... and so on for all Class I plants.

GSA 148 (7/86)

COMMONWEALTH OF VIRGINIA • DEPARTMENT OF MOTOR VEHICLES  
P. O. BOX 27422 • RICHMOND, VIRGINIA 23261 - 7422

APPLICATION FOR CERTIFICATE OF REGISTRATION FOR PLANTS PRODUCING DENATURED ANHYDROUS ETHYL ALCOHOL UNDER PROVISIONS OF THE ALCOHOL FUEL PRODUCTION INCENTIVE PROGRAM FUND (ARTICLE 3.1, CHAPTER 21, TITLE 58.1, CODE OF VIRGINIA)

(Complete a separate application for each plant. Use Page 4 or attach additional sheets, if necessary.)

NAME OF PRIMARY PRODUCER (AS IT IS TO APPEAR ON THE REGISTRATION CERTIFICATE)		SOCIAL SECURITY NO. OR FEDERAL ID NO.	
ADDRESS	STREET	STATE	ZIP CODE
	CITY		
MAILING ADDRESS (IF DIFFERENT FROM ABOVE)			

OTHER PRODUCER(S) HAVING AN INTEREST IN PLANT	NAME			
	ADDRESS	STREET	STATE	ZIP CODE
		CITY		
	NAME			
	ADDRESS	STREET	STATE	ZIP CODE
		CITY		

FORM OF ORGANIZATION OF PRIMARY PRODUCER (Check appropriate box)	<input type="checkbox"/> Sole Proprietorship	<input type="checkbox"/> Corporation
	<input type="checkbox"/> Partnership	<input type="checkbox"/> Unincorporated Association
IF THE OWNER IS A/AN .....	GIVE THE .....	
Sole Proprietorship .....	name and address of the proprietor.	
Partnership .....	names and addresses of all partners.	
Corporation .....	names, titles and addresses of the principal officers and all shareholders.*	
Unincorporated Association .....	name and address of the member authorized to sign in behalf of the association.	
*(In the case of publicly held companies only shareholders holding more than a 10% ownership interest.)		
NAME	ADDRESS	TITLE
NAME	ADDRESS	TITLE
NAME	ADDRESS	TITLE
NAME	ADDRESS	TITLE
IF CORPORATION	STATE IN WHICH CHARTERED	NAME OF VIRGINIA AGENT

NAME(S) AND ADDRESS(ES) OF OTHER PERSON(S) NOT SHOWN ABOVE WHO HAVE AN INTEREST IN THIS PLANT AS A PRODUCER; INDICATE PERCENTAGE OF OWNERSHIP AND/OR TYPE OF INTEREST.

(Continued)

Page 1 of 4 Pages

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Give the following information on the Executive Officer(s) or other person(s) authorized to furnish information on the plant's activities involving the production of Denatured Anhydrous Ethyl Alcohol.

NAME AND TITLE	ADDRESS	TELEPHONE NO.

LOCATION OF PLANT	STREET	CITY	STATE	ZIP CODE
DATE PLANT INSTALLED OR SUBSTANTIALLY COMPLETED	VIRGINIA PERMIT NO.	BATT PERMIT NO.		

CLASS OF PLANT (Circle One)	DEFINITIONS
I	A plant, located in Virginia, in which denatured anhydrous ethyl alcohol is produced and which was installed or substantially completed as of January 1, 1986.
II	A plant, located in Virginia, <ul style="list-style-type: none"> <li>• in which denatured anhydrous ethyl alcohol is produced and</li> <li>• which does not qualify as a Class II plant and</li> <li>• which was not installed or substantially completed as of January 1, 1986.</li> </ul> A plant does not qualify for grants as a Class II plant unless both the fermentation and distillation processes are conducted entirely in Virginia.
III	A plant, located in Virginia, in which denatured anhydrous ethyl alcohol is produced, and which was not installed or substantially completed as of January 1, 1986, and which does not qualify as a Class II plant because the fermentation process is not conducted in Virginia, but for which the producer had on March 1, 1986, a binding written contractual agreement for the purchase of the terminal facility which is the site where the plant will be built.

CLASS I AND III PLANTS USING FEEDSTOCK OF 194 PROOF OR LESS	INSTALLED ANNUAL PRODUCTION CAPACITY	BASE PROOF USED FOR CALCULATING CAPACITY
CLASS II PLANTS USING FERMENTATION AND DISTILLATION PROCESSES		

Do you use Ethyl Alcohol as a feedstock in the production of Denatured Anhydrous Ethyl Alcohol?  YES  NO

NAME OF SUPPLIER	ADDRESS	PROOF OF ETHYL ALCOHOL WHEN RECEIVED

IF CLASS II PLANT	Will the fermentation process be conducted at the plant?	<input type="checkbox"/> YES <input type="checkbox"/> NO
	If "NO", give location(s) of Process:	

(Continued)

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Is this plant currently producing Denatured Anhydrous Ethyl Alcohol?  Yes  No  
 If "NO", give Projected Date Plant Will Begin Production:

Is the Denatured Anhydrous Ethyl Alcohol stored on the plant premises?  Yes  No  
 If "NO", give Location(s) of Storage:

KIND OF PRODUCT USED FOR DENATURING ALCOHOL (Specify)

FUEL USED IN THE PLANT FOR PRODUCTION OF DENATURED ANHYDROUS ETHYL ALCOHOL	TYPE(S)	PERCENTAGE

Grant payments are to be made payable and sent to the Primary Producer unless other payees are requested. Other payees (who must be listed as Producers on page 1) and the percentage of grant payments to each are as follows:

NAME	PERCENTAGE

**REQUIRED ATTACHMENTS**

- Attach to this application an accurate plan of the plant premises, identifying roads, streams and other structures. The plan must be in sufficient detail to locate the operation. A description of the still must be given; specifically, the TYPE, MANUFACTURER and SERIAL NUMBER.
- Applicants for CLASS III PLANT registration must attach to this application a copy of all papers evidencing the existence of a binding contractual agreement for purchase of the site of the plant.

I hereby swear or affirm that all information in this application is true and correct to the best of my knowledge.

AUTHORIZED SIGNATURE	DATE
TITLE	TELEPHONE NUMBER

- You MUST notify the Department of Motor Vehicles within 15 days if you:
- Change the ownership, corporate structure or officers of this organization
  - Change your organization's address
  - Cease operations
  - Change any information requested on this application.
- (Use next page to include additional information, if needed.)

FOR	DATE RECEIVED
DMV	REGISTRATION NUMBER
USE	AUTHORIZATION
ONLY	

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ADDITIONAL INFORMATION:

66A 1AP (7/86)

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF MOTOR VEHICLES

REGISTRATION CERTIFICATE

DMV PLANT REGISTRATION NUMBER	CLASS OF PLANT	DATE ISSUED		
Use this number on ALL documents and correspondence.	<input type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> III	MONTH	DAY	YEAR

NAME OF PRIMARY PRODUCER		SOCIAL SECURITY OR FEDERAL ID NUMBER	
ADDRESS	STREET	CITY	
	STATE		ZIP CODE
FORM OF ORGANIZATION	<input type="checkbox"/> Sole Proprietorship	<input type="checkbox"/> Corporation <i>(Officers and shareholders listed below)</i>	
	<input type="checkbox"/> Partnership <i>(Partners listed below)</i>	<input type="checkbox"/> Unincorporated Association <i>(Authorized persons listed below)</i>	
PRINCIPALS	NAME	TITLE	ADDRESS
NAME(S) AND ADDRESS(ES) OF OTHER PERSON(S) HAVING AN INTEREST IN THIS PLANT AS A PRODUCER (IF NOT SHOWN ABOVE) AND TYPE OF INTEREST:			
METHOD OF PRODUCTION	Denatured Anhydrous Ethyl Alcohol is produced from		
	<input type="checkbox"/> feedstock of 194 proof or less ethyl alcohol		
	<input type="checkbox"/> fermentation and distillation processes		
INSTALLED ANNUAL PRODUCTION CAPACITY		BASE PROOF USED FOR CALCULATING CAPACITY	
PHYSICAL CHARACTERISTICS OF PLANT			

(See Reverse Side)

- This Certificate must be maintained at the plant registered with the Department of Motor Vehicles.
- This Certificate is transferrable provided notice is given to the Department of Motor Vehicles within 15 days after any change in ownership or operation of the plant.
- If you cease to conduct this business, or change your business location to another place in this State, or change the ownership, corporate structure or officers of this business, you must, within 15 days, return this Certificate with written notice of such change to the Department of Motor Vehicles, P. O. Box 27422, Richmond, Virginia 23261-7422.
- Information on this Certificate, including the Classification of the plant, is based on information supplied by the owner/ producer identified on the front of this Certificate and has not been independently verified by DMV or its agents. DMV reserves the right to challenge any information on this Certificate and to correct any erroneous information at any time.
- The sole purpose of this Certificate is to identify this plant as a participating plant in the Alcohol Fuel Production Incentive Program.

GSA 126 (7/86)

COMMONWEALTH OF VIRGINIA - DEPARTMENT OF MOTOR VEHICLES  
P. O. BOX 27422 - RICHMOND, VIRGINIA 23261-7422

**ALCOHOL PRODUCER'S  
ANNUAL REPORT**

(Complete one report for each plant.)

DMV PLANT REGISTRATION NO.		CLASS OF PLANT (CIRCLE) I    II    III				
PERIOD BEGINNING	ENDING JUNE 30, 19	PERMIT NUMBER	DATE			
NAME OF PRIMARY PRODUCER REGISTERED WITH DMV		SOCIAL SECURITY OR FEDERAL ID NUMBER				
STREET						
ADDRESS CITY	STATE	ZIP CODE				
LOCATION OF PLANT (IF DIFFERENT FROM ABOVE ADDRESS)		DATE PLANT INSTALLED OR SUBSTANTIALLY COMPLETED				
INSTALLED ANNUAL PRODUCTION CAPACITY		BASE PROOF USED FOR CALCULATING CAPACITY				
CLASS I AND III PLANTS USING FEEDSTOCK OF 194 PROOF OR LESS						
CLASS II PLANTS USING FERMENTATION AND DISTILLATION PROCESSES						
PROJECTED MONTHLY PRODUCTION SUBJECT TO GRANT (GALLONS)	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE
						ANNUAL GALLONS
1. Denatured anhydrous ethyl alcohol on-hand at beginning of period .....						
2. Denatured anhydrous ethyl alcohol to be produced by fermentation and distillation .....						
3. Denatured anhydrous ethyl alcohol to be produced from feedstock of 194 proof or less .....						
4. Inventory Gain .....						
5. Other (explain) .....						
6. Total (add lines 1 through 5) .....						
7. Denatured anhydrous ethyl alcohol to be sold for blending with motor fuels .....						
8. Denatured anhydrous ethyl alcohol to be sold for other purposes .....						
9. Denatured anhydrous ethyl alcohol to be used by Producer (not sold) .....						
10. Inventory Loss .....						
11. Other (explain) .....						
12. Total (add lines 7 through 11) .....						
13. Denatured anhydrous ethyl alcohol to be on-hand at end of period (subtract line 12 from line 6) .....						

I hereby swear or affirm that all information in this report is true and correct to the best of my knowledge utilizing available information for producing denatured anhydrous ethyl alcohol production.

NAME AND SIGNATURE OF AUTHORIZED PERSON		DATE
TITLE		TELEPHONE NUMBER AND AREA CODE

(see reverse side for INSTRUCTIONS)

GSA 126 (7/86)

INSTRUCTIONS

1. Fill in the period covered by this report. Producers who begin production after July 1 must file this report showing projected production of Denatured Anhydrous Ethyl Alcohol through June 30. NOTE: File a separate report for each plant.
2. Fill in DMV PLANT REGISTRATION NUMBER and circle the appropriate CLASS OF PLANT.
3. Fill in the primary producer's name, social security or federal identification number, address and valid alcohol permit numbers currently held with the Commonwealth of Virginia, Virginia Department of Agriculture and Consumer Services and the Federal Bureau of Alcohol, Tobacco and Firearms (BATEF).
4. Fill in the location of the plant if different from the first address.
5. Fill in the date the plant was installed or substantially completed, the installed annual production capacity of the plant and base proof upon which capacity has been calculated.
6. On lines 1 through 13, project your annual production of Denatured Anhydrous Ethyl Alcohol and your projected sales and/or use of such alcohol. Projections must be based on pertinent records (i.e., actual production for prior year) and other reliable data that can be substantiated.
7. **TIME LIMIT FOR FILING "Alcohol Producer's Annual Report"**
  - (a) The report for fiscal year 1986-87 (July 1, 1986 to June 30, 1987) must be filed with DMV on or before July 15, 1986.
  - (b) After July 15, 1986, reports must be filed on or before May 31 of each year. (EXAMPLE: The report for fiscal year 1987-88 must be filed by May 31, 1987.)
  - (c) A new plant which begins operating during a FISCAL YEAR must file a report within 15 days from the date production begins.
  - (d) Mail reports to:
 

Department of Motor Vehicles  
P. O. Box 27422  
Richmond, Virginia 23261-7422

If mailed to above address, this report will be deemed filed on the date postmarked. If mailed to any other address or if delivered other than by mail, it shall be considered filed when received at 2300 West Broad Street, Richmond, Virginia.
8. IMPORTANT - Producers who fail to file an "Alcohol Producer's Annual Report" by the dates as specified in number "7." above, will not be eligible to obtain a grant until all requirements are met.
9. RETAIN ALL RECORDS FOR AUDIT PURPOSES.

GSA 121 (7/86)

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF MOTOR VEHICLES  
P. O. BOX 27422  
RICHMOND, VIRGINIA 23261 - 7422

**MONTHLY REPORT  
AND  
GRANT APPLICATION**  
*(Complete one application for each plant.)*

DMV PLANT REGISTRATION NUMBER	THIS DOCUMENT COVERS THE MONTH OF _____ 19__
-------------------------------	--

NAME OF PRIMARY PRODUCER REGISTERED WITH DMV		SOCIAL SECURITY OR FEDERAL ID NO.	
ADDRESS	STREET	STATE	ZIP CODE
	CITY		
MAILING ADDRESS (IF DIFFERENT FROM ABOVE)			
VIRGINIA PERMIT NUMBER	BATF PERMIT NUMBER	PLANT CLASS (CHECK APPROPRIATE BOX)	
		<input type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> III	
TOTAL NUMBER OF GALLONS OF DENATURED ANHYDROUS ETHYL ALCOHOL PRODUCED FOR MONTH FROM FEEDSTOCK OF 194 PROOF OR LESS ETHYL ALCOHOL:			
TOTAL NUMBER OF GALLONS OF DENATURED ANHYDROUS ETHYL ALCOHOL PRODUCED FOR MONTH FROM FERMENTATION AND DISTILLATION PROCESSES:			

DENATURED ANHYDROUS ETHYL ALCOHOL PRODUCED FOR RESALE AND INTENDED FOR BLENDING WITH MOTOR FUEL		
(a) GALLONS PRODUCED <small>(If feedstock of 194 proof or less ethyl alcohol is used for production, complete and attach Schedule, Form GSA 121 - A.)</small>	(b) RATE OF GRANT <small>(cents per gallon)</small>	(c) GRANT AMOUNT REQUESTED <small>[(a) x (b) = (c)]</small>
REPORTING MONTH		
FISCAL YEAR-TO-DATE		

*I hereby swear or affirm that all information in this report/application is true and correct and that the denatured anhydrous ethyl alcohol was produced in the month covered by this report/application.*

AUTHORIZED NAME AND SIGNATURE	DATE
TITLE	TELEPHONE NO. AND AREA CODE

*(See reverse side for INSTRUCTIONS)*

DMV USE ONLY	APPROVED	DATE
	FOR	AMOUNT
	PAYMENT	AUTHORIZATION

GSA 121 (7/86)

**INSTRUCTIONS**

- File a separate report/application for each plant. Fill in DMV PLANT REGISTRATION NUMBER and check the appropriate box which indicates PLANT CLASS.

**NOTE:** A monthly report/application for each plant is required even if there was no production or if such production exceeds the gallons subject to grant.

- Fill in the primary producer's name, address, social security or federal identification number. Show the valid Commonwealth of Virginia, Virginia Department of Agriculture and Consumer Services and the Federal Bureau of Alcohol, Tobacco and Firearms (BATF) alcohol permit numbers which you currently hold for the plant covered in this report/application.
- Fill in the number of gallons of Denatured Anhydrous Ethyl Alcohol produced, the rate of grant and the amount of grant requested.
- Alcohol producers who use feedstock of 194 proof or less for the production of Denatured Anhydrous Ethyl Alcohol are required to complete and attach "Schedule of Ethyl Alcohol Receipts" (form GSA 121-A).
- Any alcohol producer applying for a grant for a CLASS I plant is limited to the lesser of:
  - 3.5 million gallons per fiscal year (July 1 to June 30) per plant or
  - the installed annual production capacity of each plant, as of January 1, 1986, using feedstock of 194 proof or less ethyl alcohol.

Any alcohol producer applying for a grant for a CLASS III plant is limited to 3.5 million gallons per fiscal year (July 1 to June 30) per plant.

- Accumulate Fiscal Year-to-Date GALLONS PRODUCED and GRANT AMOUNT REQUESTED. Note these amounts in the appropriate spaces on the front of this report/application.
- TIME LIMIT FOR FILING "Monthly Report and Grant Application"**

The report/application **MUST** be filed monthly with DMV on or before the 15th business day following the month covered by the "Monthly Report and Grant Application." (NOTE: A business day shall be every day except Sundays and those holidays observed by the Commonwealth of Virginia.)

Mail the "Monthly Report and Grant Application" to:

Department of Motor Vehicles  
P. O. Box 27422  
Richmond, Virginia 23261-7422

If mailed to above address, this report/application will be deemed filed on the date postmarked. If mailed to any other address or if delivered other than by mail, it shall be considered filed when received at 2300 West Broad Street, Richmond, Virginia.

**NOTE:** Any "Monthly Report and Grant Application" filed after the **TIME LIMIT FOR FILING** will not be authorized for payment.

- RATES FOR ALCOHOL PRODUCER'S GRANTS:
  - July 1, 1986 to June 30, 1988 - 60¢ per gallon
  - July 1, 1988 to June 30, 1990 - 40¢ per gallon
  - July 1, 1990 to June 30, 1992 - 20¢ per gallon
- RETAIN ALL RECORDS FOR AUDIT PURPOSES.



# Emergency Regulation

/s/ Vivian E. Watts  
Secretary of Transportation and Public Safety  
Date: July 3, 1986

/s/ Gerald L. Baliles, Governor of Virginia  
Date: July 4, 1986

/s/ Joan W. Smith, Registrar of Regulations  
Date: July 11, 1986 - 12:51 p.m.

## BOARD OF OPTOMETRY

Title of Regulation: Rules and Regulations of the Board of Optometry; Regulation IV: Renewal Fees. Regulation VII: Applicants.

Statutory Authority: § 54-376 of the Code of Virginia.

Effective Date: July 15, 1986

Regulation IV: Renewal Fees.

A. Every person authorized by this board to practice optometry shall, on or before October 31, of every even numbered year, pay to the Secretary of the Board a biennial fee of one hundred fifty dollars (~~\$150.00~~) two hundred dollars (\$200.00). The secretary of the board shall issue a receipt thereof in such form as may be prescribed by the board.

B. It shall be the duty and responsibility of each licensee to furnish the secretary of the board at all times with his/her current address. All notices required by law or by these rules and regulations are to be mailed to any such licensee shall be validly tendered when mailed to the address given. All changes shall be furnished to the board within 30 days of such change.

C. It shall be the duty of the secretary of the board to mail each person so licensed a notice to renew their license not less than 30 days prior to the expiration of any license.

D. It shall be the duty of each person so licensed to return the renewal application with the prescribed fee prior to the expiration of their license. The license of every person who does not return the completed form and fee by October 31, of the renewal period shall automatically become invalid. Upon expiration, the secretary of the board shall notify the licensee of expiration and reinstatement procedures. The board shall reinstate the license upon receipt by November 30, of the completed form and a reinstatement fee of \$15.00 in addition to the required license fee. Reinstatement after that date shall be at the discretion of the board.

Regulation VII: Applicants.

A. The applicant, in order to be qualified to be

examined by the board, for licensure to practice optometry in this State, shall:

1. Be a graduate from an approved optometry school.
2. File a completed application form supplied by the board 30 days prior to the examination date.
3. Submit one recent passport type photograph of the applicant, NOT LESS THAN 2 1/2" X 2 1/2" IN SIZE, securely pasted to the application in the space provided.

4. File a high school transcript, an undergraduate college transcript, and a certified (school seal affixed) transcript from the college of optometry. If you are a current year graduate, please make arrangements with your school to sent final grades when completed to the board office.

5. A copy of the completed National Board Certificate or grade card for Part I and II.

6. Submit a check or money order payable to the Treasurer of Virginia in the amount of one hundred fifty dollars (~~\$150.00~~) in odd numbered years, and two hundred twenty five dollars (~~\$225.00~~) in even numbered years with the completed application: two hundred dollars (\$200.00), except for applicants taking the winter exam in even numbered years, who should submit three hundred dollars (\$300.00) with the completed application.

B. If an applicant withdraws from the examination 30 days prior to the examination date, all but a twenty five dollar (\$25.00) administrative fee will be refunded. Otherwise, only the license is refundable.

/s/ Moira C. Lux, Executive Director  
Virginia Board of Optometry  
Date: June 18, 1986

/s/ Bernard L. Henderson, Jr., Director  
Virginia Department of Health Regulatory Boards  
Date: June 18, 1986

/s/ Gerald L. Baliles, Governor of Virginia  
Date: July 10, 1986

/s/ Joan W. Smith, Registrar of Regulations  
Virginia Code Commission  
Date: July 15, 1986

STATE CORPORATION COMMISSION

AT RICHMOND, JULY 9, 1986

STATE CORPORATION COMMISSION

CASE NO. MCS860032

Ex Parte: in the matter of Amending Rules and Regulations Governing the Operation of Motor Vehicles Under Lease

FINAL ORDER

IT APPEARING to the Commission, that by order dated July 19, 1973 in Case No. L-472, adopted Rules and Regulations Governing the Operation of Motor Vehicles under Lease, effective September 1, 1973; and

IT FURTHER APPEARING that the Commission, by order dated May 14, 1986, entered an order announcing its intention to amend the aforesaid rules and regulations in two material respects: (1) amend Rule 3 to allow private and intrastate carriers to single source lease for thirty (30) days or longer, and (2) promulgate a new rule making it the duty of a driver stopped to produce a copy of the lease, when such lease is required by these rules to be carried on the vehicle; and

IT FURTHER APPEARING that interested persons were afforded an opportunity, on or before July 1, 1986, to file written comments concerning the proposed amendments or request a formal hearing thereon; and

IT FURTHER APPEARING that no comments or requests for hearing have been filed; and

THE COMMISSION, upon consideration of the proposed amendments, is of the opinion and finds that the public convenience and necessity will be promoted by amending Rule 3 and promulgating Rule 7 as proposed in the Commission's order of May 14, 1986; accordingly,

IT IS ORDERED:

(1) That Rule 3 of the Commission's Rules and Regulations Governing the Operation of Motor Vehicles under Lease, be and the same is hereby, amended to read as follows:

Rule 3A

No private carrier operating intrastate in Virginia shall operate under lease for 30 days or longer any road tractor, tractor truck or truck having more than two (2) axles unless a certificate of lease has been filed with the State Corporation Commission. Such certificate of lease shall be on the form adopted and prescribed by the Commission or any other form which has been submitted to and approved by the State Corporation Commission;

The motor vehicle or motor vehicles named in the certificate of lease shall be operated by and under the

complete control of the lessee, and no other, for the period of the lease and for all regulatory purposes including, but not limited to, insurance and motor fuel road taxes shall be considered the vehicle or vehicles of the lessee. The parties to the lease shall provide the Commission with thirty (30) days notice of their intent to terminate, or the actual termination of, their lease. During such notice period, the lessor shall neither enter into a subsequent contract of lease nor operate its vehicle in intrastate commerce without the prior written approval of the Commission.

Rule 3B

A private carrier operating intrastate in Virginia may operate a road tractor, tractor truck or truck having more than two (2) axles under lease for less than 30 days provided that:

- (1) a copy of such lease or rental agreement is carried on board the vehicle; and
(2) each vehicle under lease is operated by:
(a) a qualified driver in the lessee's employ who is subject to the lessee's direction and control; or
(b) a qualified driver obtained from a personnel supplier having no contractual relationship with the lessor.

(2) That a new Rule 7 be promulgated to read as follows:

Rule 7

In those rules requiring a copy of the lease or rental agreement to be carried on board the vehicle, it shall be the duty of the driver of such vehicle to produce and exhibit such copy forthwith to any authorized person so requesting;

(3) That an attested copy of this order be sent to William S. Fulcher, Director, Motor Carrier Division; and to Stewart E. Nunnally, Deputy Director, Motor Carrier Division (Rates and Tariffs).

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AT RICHMOND, JULY 11, 1986

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. PUC850036

Ex Parte: Investigation of Private Resale or Shared Use of Local Exchange Services

# State Corporation Commission

## ORDER ESTABLISHING RULEMAKING PROCEEDING, DIRECTING PUBLIC NOTICE, AND INVITING COMMENT

In the 1986 Session of the Virginia General Assembly, House Bill No. 767 was introduced to clarify the status of persons reselling or reoffering telecommunications services through the joint or shared use of a private branch exchange (PBX) or other switching device. The bill was not enacted into law but rather was deferred for study and consideration in the 1987 session. Pending enactment of shared tenant service legislation in 1987, the Commission desires the establish rules to provide guidance for local exchange telephone companies concerning shared tenant service, and for those providers of shared tenant service who would subscribe to services to be resold or shared.

Section 12.1-28 of the Code of Virginia requires that notice be given to all interested persons of a proposed rulemaking and that such persons be afforded the opportunity to introduce evidence and be heard with regard to the proposed rules. Accordingly,

IT IS THEREFORE ORDERED that the Commission's Division of Communications forthwith cause a copy of the following notice to be published once as display advertising in newspapers having general circulation throughout the Commonwealth:

### NOTICE OF PROPOSED RULES GOVERNING SHARING OR RESELLING OF LOCAL EXCHANGE SERVICE (SHARED TENANT SERVICE)

The Virginia State Corporation Commission has proposed rules governing sharing or resale of local exchange service. Such service is commonly known as shared tenant service and normally involves the shared use of a private branch exchange (PBX) among the tenants or occupants, of a building, shopping center, campus, industrial park, or other central development where other services and facilities are shared.

The text of the proposed rules can be examined at the Commission's Document Control Center, Floor B-1, Jefferson Building, Bank and Governor Streets, Richmond, Virginia, Monday through Friday, 8 a.m. to 5 p.m. and in the business offices of local exchange telephone companies where customers may pay their bills.

The Commission has established a hearing to be held in its Courtroom in the Jefferson Building, Richmond, Virginia, at 10:30 a.m. on Tuesday, September 16, 1986 to hear oral argument on the proposed rules. Interested persons may submit written comments on the proposed rules on or before August 29, 1986 by writing George W. Bryant, Jr., Clerk, Virginia State Corporation Commission, P. O. Box 2118, Richmond, Virginia 23216, making reference to Case No.

PUC850036. Any requests to present oral argument at the September 16, 1986 hearing must be made in writing by August 29, 1986. The Commission's Staff shall review the comments submitted and may file any appropriate response thereto by September 8, 1986.

## VIRGINIA STATE CORPORATION COMMISSION

### IT IS FURTHER ORDERED:

(1) That a hearing be scheduled in the Commission's Courtroom, 13th Floor, Jefferson Building, Richmond, Virginia commencing at 10:30 a.m. on Tuesday, September 16, 1986, solely for the purpose of hearing oral arguments from those interested persons who have submitted written comments on the proposed rules;

(2) That the written comments referred to above, as well as requests for oral argument, be submitted on or before August 29, 1986;

(3) That the Commission's Staff study the written comments submitted by interested parties and file and response they deem appropriate by September 8, 1986; and

(4) That each local exchange telephone company providing service in Virginia make available for public inspection, during normal business hours at offices where bills may be paid, a copy of the rules herein proposed as set forth in Attachment A.

ATTESTED COPIES hereof shall be sent by the Clerk of the Commission to the parties shown on the service list attached hereto as Attachment B; to the local exchange telephone companies of the State of Virginia as shown on the service list attached hereto as Attachment C; to the Division of Consumer Counsel, Office of the Attorney General, 101 North 8th Street, 6th Floor, Richmond, Virginia 23219; and to the Commission's Divisions of Communication, Accounting and Finance and Economic Research and Development.

## ATTACHMENT A

### PROPOSED RULES GOVERNING SHARING OR RESALE OF LOCAL EXCHANGE SERVICE (SHARED TENANT SERVICE)

1. The tariffs of Virginia local exchange companies shall not prohibit any persons from subscribing to local exchange business telecommunications service and facilities and privately reoffering those communication services and facilities to persons or entities occupying buildings or facilities that are within specifically identified contiguous property areas (even if the contiguous area is intersected by public thoroughfares or rights-of-way) and are either (a) under common ownership, which is either the same owners, common general partners, or common principal equity investors or (b) within a common development which is either an office or commercial complex, a



# State Corporation Commission

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shopping center, an apartment or condominium or cooperative complex, an airport, a hotel or motel, a college or university, or a complex consisting of mixed uses of the types heretofore described, but not to include residential subdivisions consisting of single-family detached dwellings. Such private reoffering shall hereinafter be referred to as "shared tenant service."

2. To the extent that a shared tenant service system would not meet the requirements of Rule 1 of these rules, the person or persons desiring to provide the shared tenant service system shall have the right to petition the Commission to obtain a waiver of that rule. Notice of this petition shall be given to the local exchange telephone company serving the area proposed to be affected by the proposal and to any other persons designated by the Commission. The Commission may grant any such petition upon finding that the public interest is thereby served.

3. These shared tenant service rules shall apply only to those shared tenant service systems sharing more than 16 access lines or more than 32 stations. Sharing of smaller systems shall not be prohibited by local exchange companies, and shall be governed by Joint User Tariffs where in effect.

4. Local exchange companies providing service to shared tenant service providers may charge for the resale of local business service based upon the number of calls to the extent permitted by the terms of Virginia Code § 56-241.2 (1986). Nothing in these shared tenant service rules shall be construed to authorize or to preclude treatment by local exchange companies of shared tenant service providers as a separate class of customers for the purpose of establishing rates and regulations of service. Where tariffs providing for such charges based on the number of calls are not in effect at the time service is applied for, local exchange companies shall provide service to shared tenant service providers for the resale of local business service at the flat rates that apply to other business PBX customers.

5. Shared tenant service shall not be offered to the general public other than the offering of property tariffed coin service.

6. Providers of shared tenant service are business customers. On behalf of their residential and business end users, such providers may subscribe to residential and business directory listing, respectively, at the rates established for such additional listings by the local exchange company.

7. Local exchange companies shall have both the right and the obligation to serve any requesting subscriber located within their certificated service territory.

8. Any end user within a shared tenant service building or facility has the right to subscribe to service directly from the certificated local exchange company.

9. Providers of shared tenant service need not partition switches to allocate trunks among tenants or subscribers.

10. Shared tenant service providers receiving service under joint user tariffs of local exchange companies as of the effective date of these rules may continue to receive such joint user service at those existing locations as long as each such location remains with that same provider.

11. All rates and charges in connection with shared tenant service and all repairs and rearrangements behind the minimum point of penetration of the local exchange company's facilities or behind the interface between company owned and customer owned equipment and including the shared tenant service provider's switch will be the responsibility of the person owning or controlling the facilities behind such minimum point of penetration or interface and are not regulated by the Virginia State Corporation Commission.

## ATTACHMENT B

Fairchild Communications Network and Services Company  
c/o Stuart G. Meister, Vice President  
Law and Administration  
P.O. Box 10804  
Chantilly, Virginia 22021-9998

GT Realty and Management  
c/o Victor J. Toth, Esquire  
2719 Soapstone Drive  
Reston, Virginia 22091

Honeywell, Inc.  
c/o Randall B. Lowe, Esquire  
Thomas K. Crowe, Esquire  
1250 Eye Street N.W.  
Washington, D.C. 20005

Millard F. Ottman, Jr., Esquire  
8111 Gatehouse Road, Suite 409  
Falls Church, Virginia 22042

Planning Research Corporation  
c/o John D. Daly, Manager  
PRC Telecommunications  
1500 Planning Research Drive  
McLean, Virginia 22102

Real Estate Communications Company  
c/o Joseph Gensheimer, Esquire  
8280 Greensboro Drive  
McLean, Virginia 22102

Andrew D. Lipman, Esquire  
Jean L. Kiddoo, Esquire  
1777 F Street N.W.  
Washington, D.C. 20006

Milti-Tenant Telecommunications Association  
2000 L. Street N.W., Suite 200

# State Corporation Commission

Washington, D.C. 20036

Counsel for Real Com  
F. Thomas Tuttle, Esquire  
1300 19th Street N.W., Suite 300  
Washington, D.C. 20036

IBM

Mareen Flanagan, Regional Manager  
State Government Relations  
1801 K Street N.W., Suite 1200  
Washington, D.C. 20006

P.O. Box 900  
Mechanicsville, Virginia 23111

Dennis R. Williams, General Manager  
General Telephone Company of Southeast  
210 Bland Street  
Bluefield, West Virginia 24701

L. Ronald Smith, General Manager  
Mountain Grove-Williamsville Telephone Company  
P.O. Box 105  
Williamsville, Virginia 24487

## ATTACHMENT C

### TELEPHONE COMPANIES IN VIRGINIA

Joseph E. Hicks, President  
Amelia Telephone Company  
P.O. Box 158  
Leesburg, Alabama 35983

Raymond L. Eckels, Manager  
Amelia Telephone Company  
P.O. Box 76  
Amelia, Virginia 23002

M. Dale Tetterton, Jr., Manager  
Buggs Island Telephone Cooperative  
P.O. Box 129  
Bracey, Virginia 23919

Sue B. Moss, President  
Burke's Garden Telephone Exchange  
P.O. Box 428  
Burke's Garden, Virginia 24608

James D. Ogg  
Vice President & Division Manager  
Central Telephone Company of Virginia  
P.O. Box 6788  
Charlottesville, Virginia 22906

Hugh R. Stallard, Vice President  
Chesapeake and Potomac Telephone Company  
703 East Grace Street  
Richmond, Virginia 23219

James R. Newell, Manager  
Citizens Telephone Cooperative  
Oxford Street  
P.O. Box 137  
Floyd, Virginia 24091

Robert S. Yeago, President  
Clifton Forge-Waynesboro Telephone Company  
P.O. Box 2008  
Staunton, Virginia 24401

Harold Marshall, President  
Continental Telephone Company of Virginia

T. A. Glover, Manager  
Highland Telephone Cooperative  
Monterey, Virginia 24465

K. L. Chapman, Jr., President  
New Hope Telephone Company  
P.O. Box 38  
New Hope, Virginia 24469

W. Richard Fleming, Manager  
North River Telephone Cooperative  
P.O. Box 8  
Dayton, Virginia 22821

Ross E. Martin, General Manager  
Pembroke Telephone Cooperative  
P.O. Box 85  
Pembroke, Virginia 24136

E. B. Fitzgerald, Jr., President and General Manager  
Peoples Mutual Telephone Company, Inc.  
P.O. Box 367  
Gretna, Virginia 24557

Ira D. Layman, Jr., President  
Roanoke and Botetourt Telephone Company  
Daleville, Virginia 24083

James W. McConnell, Manager  
Scott County Telephone Cooperative  
P.O. Box 487  
Gate City, Virginia 24251

Warren B. French, Jr.  
President and General Manager  
Shenandoah Telephone Company  
P.O. Box 459  
Edinburg, Virginia 22824

W. W. Hill, President  
United Inter-Mountain Telephone Company  
112 Sixth Street  
P.O. Box 699  
Bristol, Tennessee 27620

W. Dan Reichartz, President  
Virginia Hot Springs Telephone Company, Inc.  
Hot Springs, Virginia 24445

# State Corporation Commission

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Ralph L. Frye, Executive Director  
Virginia Exchange Carrier Association  
700 Building, 14th Floor  
7th and Main Streets  
Richmond, Virginia 23219

A. J. Chisholm, Vice President and Regulatory Affairs  
The Western Union Telegraph Company  
1828 L Street N.W., Suite 1001  
Washington, D.C. 20036

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# GOVERNOR

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## GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.14:9.1 of the Code of Virginia)

### DEPARTMENT OF HEALTH

Title of Regulation: VR 355-01-4. Virginia Voluntary  
Formulary (1987 Revision).

Governor's Comment:

I encourage the board to carefully consider any  
comments received on the proposed revisions to the  
Virginia Voluntary Formulary prior to final adoption.

/s/ Gerald L. Baliles  
Date: July 14, 1986

### DEPARTMENT OF SOCIAL SERVICES

Title of Regulation: VR 615-01-9. Definition of a Home in  
the Aid to Dependent Children (ADC) Program.

Governor's Comment:

No objections to the proposed regulation as presented.

/s/ Gerald L. Baliles  
Date: June 26, 1986

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# GENERAL NOTICES/ERRATA

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<b>Symbol Key †</b> † Indicates entries since last publication of the Virginia Register
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## NOTICES OF INTENDED REGULATORY ACTION

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Agriculture and Consumer Services intends to consider promulgating regulations entitled: **Recordkeeping and Biosecurity by Poultry Dealers for the Control of Avian Influenza and Other Contagious and Infectious Diseases of Poultry**. The purpose of the proposed regulations is to require the registration of dealers in poultry and their agents doing business in Virginia as a means of tracing poultry disease to its source, and thus as a means of enhancing disease-eradication capability.

Statutory Authority: §§ 3.1-726, 3.1-727, 3.1-735, and 3.1-736 of the Code of Virginia.

Written comments may be submitted until October 1, 1986, to Poultry Dealers, Bureau of Veterinary Services, Virginia Department of Agriculture and Consumer Services, Washington Building, Suite 600, 1100 Bank Street, Richmond, Virginia 23219

**Contact:** Dr. A. J. Roth, Chief, Bureau of Veterinary Services, Washington Building, Suite 600, 1100 Bank Street, Richmond, Va. 23219, telephone (804) 786-2483

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Agriculture and Consumer Services intends to consider amending regulations entitled: **VR 115-02-12. Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds Into Virginia**. The purpose of the proposed regulations is to set standards governing the importation of llamas into the Commonwealth of Virginia from other states, so as to prevent introduction through llamas of the tuberculosis, brucellosis, and bluetongue diseases.

Statutory Authority: §§ 3.1-723 through 3.1-741 of the Code of Virginia.

Written comments may be submitted until September 1, 1986, to Llamas, Bureau of Veterinary Services, Virginia Department of Agriculture and Consumer Services, Washington Building, Suite 600, 1100 Bank Street, Richmond, Virginia 23219

**Contact:** Dr. A. J. Roth, Chief, Bureau of Veterinary Services, Washington Bldg., Suite 600, 1100 Bank Street, Richmond, Virginia 23219

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Agriculture and Consumer Services intends to reconsider regulations entitled: **VR 115-04-12. Rules and Regulations for the Enforcement of the Virginia Gasoline and Motor Fuels Law**. The purpose of the proposed regulations is to assure consumers that all motor fuel offered for sale is accurately labeled and meets established minimum specifications by prescribing minimum specifications for distillation, Reid vapor pressure, water and sediment and gum in gasoline; flash point, water and sediment, sulfur, cetane, distillation and corrosion in diesel fuel. It provides the requirements for registration and labeling of gasoline and diesel fuel; it prescribes the regulatory action to be taken when motor fuels are found not to conform to minimum specifications and it requires the publication of information filed in connection with registration and results of tests of official samples.

The State Board of Agriculture and Consumer Services conducted a public hearing on February 26, 1986, to consider amendments to the Rules and Regulations for the Enforcement of the Virginia Motor Fuels Law (VR 115-04-12).

During the public participation period, a comment was received that suggested further amendments to the proposed regulations published in the December 9, 1985, edition of the Virginia Register of Regulations. The commentator suggested two additional amendments to "§ 2. Specifications for gasoline and diesel fuel."

#### A. Gasoline.

Test ..... ASTM Method

1. Distillation. .... D86

The commentator proposed an additional distillation specification that reads:

Percent evaporated at 77°C (170°F)  
Maximum ..... 50%

The commentor recommended an amendment to Item No. 2 in the gasoline test procedure related to Reid Vapor Pressure. The current test and method reads:

Reid Vapor Pressure 100°F PSI ..... D323

The proposed amendment, for clarity only, would be added to the test method. The amended regulation would read:

Reid Vapor Pressure 100°F PSI ..... D323  
..... or Division of  
..... Consolidated  
..... Laboratories  
..... dry method for  
..... oxygenated fuels.

There were no further comments supporting or opposing the regulations during the public hearing. At the recommendation of the department staff, the board voted unanimously to adopt the regulations including the proposed amendments.

The final regulation, including the recommended amendments, was scheduled to be published in "final form" in the May 26, 1986, edition of the Virginia Register of Regulations. However, the ethanol industry believes one of the amendments [Percent evaporated at 77°C (170°F)] recommended during the participation period and adopted by the board February 26, 1986, adversely affected that industry and was significant enough to be reconsidered by the board before the planned effective date of June 25, 1986.

The staff agreed and on May 16 the Commissioner requested the Registrar of Regulations to delay the publication of "Final Regulation" until further notice. The Registrar received the request after the type for the May 26, 1986, issue had been set. However, the regulation with overlaid statement "Regulations Temporarily Withdrawn by Agency" were printed in the May 26 edition of the Virginia Register of Regulations.

At the May 22, 1986, board meeting the board moved and adopted to have the regulations become effective 30 days following publication in the Virginia Register of Regulations, with the exception of that portion of § 2.A.1. which reads "Percent evaporated at 77°C (170°F) maximum 50%."

The board moved and adopted that the exception to the regulations effective date be delayed until January 1, 1987. The board instructed the department to publish in the Virginia Register of Regulations a notice providing at least 45 days for additional written comments with regard to the exception.

Statutory Authority: §§ 59.1-153 and 59.1-156 of the Code of

Virginia.

Written comments may be submitted until 5 p.m., August 21, 1986, to Raymond Vaughan, Secretary, Board of Agriculture and Consumer Services, 1100 Bank Street, P.O. Box 1163, Richmond, Virginia 23209

Contact: W. P. Zentmeyer, Supervisor, Fertilizer, Lime and Motor Fuel Section, 1100 Bank St., P.O. Box 1163, Richmond, Va. 23209, telephone (804) 786-3511

STATE AIR POLLUTION CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Air Pollution Control Board intends to consider amending regulations entitled: **VR120-01. Regulations for the Control and Abatement of Air Pollution: Permits for Stationary Sources (Part VIII)**. The primary purpose of this notice is to seek comment on the pros and cons of two proposals (and any possible alternatives) the agency is considering regarding its regulations concerning permits for stationary sources. They are as follows:

- 1. To establish a requirement for a renewable permit to operate for all existing stationary sources currently subject to the agency's regulations.
- 2. To establish a requirement that a fee be required for the proposed permit to operate specified above and the permit to construct for new stationary sources currently in the agency's regulations.

In addition to the primary purpose specified above, the secondary purpose will be to undertake a review and seek comment on all aspects of the regulations covering permits for stationary sources. Consideration will be given to any suggestions that are received by the agency prior to September 15, 1986.

Statutory Authority: § 10-17.18(b) of the Code of Virginia.

Written comments may be submitted until September 15, 1986, to Director of Program Development, State Air Pollution Control Board, P.O. Box 10089, Richmond, Virginia 23240

Contact: M. E. Lester, Division of Program Development, State Air Pollution Control Board, P.O. Box 10089, Richmond, Va. 23240, telephone (804) 786-7564

# General Notices/Errata

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## VIRGINIA BOARD OF DENTISTRY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Dentistry intends to consider promulgating new and repealing existing regulations entitled: **Rules and Regulations Governing the Practice of Dentistry and Dental Hygiene**. The purpose of the proposed regulations is to establish the requirements for licensure as dentists and dental hygienists in Virginia, to regulate the licensure of dentists and dental hygienists, and to discharge the duties required of the board by § 54-163 of the Code of Virginia in the protection of the health, safety and welfare of the citizens of the Commonwealth.

Statutory Authority: Chapter 8 (§ 54-146 et seq.) and Chapter 8.1 (§ 54-200.1 et seq.) of Title 54 of the Code of Virginia.

Written comments may be submitted until August 6, 1986.

Contact: Nancy T. Feldman, Executive Director, P. O. Box 27708, 517 W. Grace St., Richmond, Va. 23261, telephone (804) 786-0311 (toll-free number 1-800-533-1560)

## STATE EDUCATION ASSISTANCE AUTHORITY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Education Assistance Authority intends to consider promulgating regulations entitled: **Regulations Governing the Virginia Guaranteed Student Loan Program and PLUS Loan Program**. The purpose of the proposed regulation is to establish policies governing the administration of the Virginia student loan programs.

Statutory Authority: § 23-38.64 (2) of the Code of Virginia.

Written comments may be submitted until August 12, 1986.

Contact: Regina D. Williams, Director, Marketing/Communications, State Education Assistance Authority, 6 N. 6th St., Suite 300, Richmond, Va. 23219, telephone (804) 786-2035 (toll-free number 1-800-792-5626)

## VIRGINIA DEPARTMENT OF HEALTH

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's

public participation guidelines that the Virginia Department of Health intends to consider promulgating regulations entitled: **Virginia Hearing Impairment Identification and Monitoring System**. The purpose of the proposed regulation is to implement the Hearing Impairment Identification and Monitoring System.

Statutory Authority: § 32.1-64.1 of the Code of Virginia.

Written comments may be submitted until August 18, 1986.

Contact: Patricia T. Dewey, Speech and Hearing Services Administrator, Bureau of Crippled Children, Virginia Department of Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-6281

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Health intends to consider amending regulations entitled: **State Plan for the Provision of Crippled Children's Services**.

The proposed plan will revise the present State Plan of November 1, 1984. The proposals include revised eligibility criteria, expansion of covered conditions and services in the existing program specialty clinics, changes in criteria of hospitalization of newborns, and additions to the statement of responsibilities of the families of program participants.

Statutory Authority: §§ 32.1-12 and 32.1-77 of the Code of Virginia.

Written comments may be submitted until August 18, 1986.

Contact: Nancy R. Bullock, R.N., M.P.H., Nurse Consultant, Bureau of Crippled Children, Virginia Department of Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-3691

## DEPARTMENT OF LABOR AND INDUSTRY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Labor and Industry intends to consider promulgating regulations entitled: **Virginia Field Sanitation Standard**. The purpose of the proposed regulations is to require agricultural employers to provide potable drinking water and handwashing and toilet facilities for agricultural workers involved in hand labor operations in the field. Comments are requested on the intention to establish a standard as well as the appropriate minimum number of workers to be covered by the standard.

Statutory Authority: § 40.1-22 (5) of the Code of Virginia.

Written comments may be submitted until August 18, 1986, to Carol A. Amato, Commissioner, Virginia Department of Labor and Industry, 205 North Fourth Street, P.O. Box 12064, Richmond, Virginia 23241

**Contact:** Jay Withrow, VOSH Chief Administrator, Virginia Department of Labor and Industry, P.O. Box 12064, Richmond, Va. 23241, telephone (804) 786-8011

## VIRGINIA DEPARTMENT OF MOTOR VEHICLES

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Motor Vehicles intends to consider promulgating regulations entitled: **Virginia Alcohol Fuel Production Incentive Program Fund Rules and Regulations**. The purpose of the proposed regulations is to provide for interpretation, enforcement and payment of grants under provision of the Virginia Alcohol Fuel Production Incentive Program. These rules and regulations will replace the emergency rules and regulations which became effective July 11, 1986.

Statutory Authority: Article 3.1 (§ 58.1-2127.1 et seq.) of Chapter 21 of Title 58.1, of the Code of Virginia.

**Contact:** B. H. Conner, Manager, Fuels Tax Division, Virginia Department of Motor Vehicles, P.O. Box 27422, Richmond, Va. 23261-7422, telephone (804) 257-8116 OR Bruce Gould, Planning and Program Development, Virginia Department of Motor Vehicles, P.O. Box 27412, Richmond, Va. 23269, telephone (804) 257-0453

## VIRGINIA BOARD OF OPTOMETRY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Optometry intends to consider promulgating, amending and repealing regulations entitled: **Regulations of the Virginia Board of Optometry**. The purpose of the proposed regulations is to provide standards for the practice of optometry in Virginia and to establish requirements for candidates for examination and licensure as optometrists. The board proposes to act on argument and testimony received during the period of regulatory review since August 1, 1984. The board intends to formulate regulations based upon a comprehensive review of its existing regulations ordered by Executive Order 52-84 from the Office of the Governor.

Statutory Authority § 54-376 of the Code of Virginia.

Written comments may be submitted until August 7, 1986, to Virginia Board of Optometry, P.O. Box 27708, Richmond, Virginia.

**Contact:** Moira C. Lux, Executive Director, Virginia Board of Optometry, P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0131

## VIRGINIA STATE BOARD OF PHARMACY

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Board of Pharmacy intends to consider promulgating, amending and repealing regulations entitled: **VR 530-01-1. Virginia State Board of Pharmacy Regulations**.

On June 25, 1986, the board withdrew the proposed regulations, published in the Virginia Register on December 23, 1985, and which were the subject of an informational hearing on March 12, 1986. This proposal resulted from the regulatory review process mandated by Executive Order of the Governor.

All comments which were received before and after the regulatory review process, and all comments received as a result of the informational proceeding and hearing held March 12, 1986, will be considered and used by the board in developing newly proposed regulations which it intends to promulgate.

The board invites any additional written comments from the public and the professional community on the existing regulations prior to proposing new regulations for public comments. In addition, the board seeks written comments on any problem or issues within its jurisdiction which may be properly addressed by its regulations.

Written comments may be submitted until September 12, 1986.

**Contact:** Jack B. Carson, Executive Director, Board of Pharmacy, P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0239

## BOARD FOR THE RIGHTS OF THE DISABLED

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for the Rights of the Disabled intends to consider promulgating



## General Notices/Errata

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regulations entitled: **Public Participation Guidelines**. The purpose of the proposed regulations is to set forth the procedures for public participation in the development of regulations.

Statutory Authority: § 51.01-40 of the Code of Virginia.

Written comments may be submitted until September 30, 1986.

**Contact:** Bryan K. Lacy, Systems Advocacy Attorney, James Monroe Building, 17th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2042 (toll-free number 1-800-552-3962)

### DEPARTMENT OF SOCIAL SERVICES

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services, Division of Licensing Programs, intends to consider amending regulations entitled: **Standards and Regulations for Licensed Homes for Adults**. The purpose of the proposed amendments is to (i) amend standards dealing with TB examination; (ii) review emergency regulations dealing with semi-mobile residents; (iii) incorporate recommendations of the fire safety committee; and (iv) to amend standards dealing with administration of medication.

Statutory Authority: § 63.1-174 of the Code of Virginia.

**Contact:** Catherine A. Loveland, Program Specialist, Licensing Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025

### DEPARTMENT OF TAXATION

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-2-300 et seq. Individual Income Tax and VR 630-3-300 et seq. Corporation Income Tax**. The purpose of the proposed amendments is to incorporate legislative changes made by the 1985 Acts of Assembly, Chapters 221, (HB 1475 Technical corrections to recodification) and 560, (SB 712 Conservation tillage credit), and the 1986 Acts of Assembly, Chapter 407, (SB 50 Extend Neighborhood Assistance Act) and other appropriate amendments as may be suggested.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 15, 1986.

**Contact:** Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-2-322. Virginia Taxable Income (Virginia Individual Income Tax Regulations)**. This regulation is being amended to conform to the changes made by the 1986 General Assembly to § 58.1-322 of the Code of Virginia (Chapters 474 and 515). This Code section was amended to provide an additional \$1,000 deduction for each child under permanent foster care residing in a taxpayer's home for the entire taxable year, provided that the child qualifies as that taxpayer's dependent under § 151 of the Internal Revenue Code. This Code section was also amended to provide an exclusion from the income tax for benefits paid by retirement plans organized by public institutions of higher education under § 51-111.28 of the Code of Virginia.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 15, 1986.

**Contact:** Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-8-1712. Virginia Tax on Wills and Administration**. The purpose of the proposed amendments is to incorporate legislative changes made by the 1985 Acts of Assembly, Chapter 474, (HB 1521 Raise threshold to \$500) and other appropriate amendments as may be suggested.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 15, 1986.

**Contact:** Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-9-3809. Virginia Writ Taxes.** The purpose of the proposed amendments is to incorporate legislative changes made by the 1985 Acts of Assembly, Chapters 106, (HB 1393 Exempt appeal of involuntary commitment order) and 221, (HB 1475 Technical corrections to recodification) and other appropriate amendments as may be suggested.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 15, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-10-22.1. Churches (Virginia Retail Sales and Use Tax Regulations).** This regulation is being amended to conform to the change made by the 1986 General Assembly to § 58.1-608.38 of the Code of Virginia (Chapter 605, Senate Bill 192). This Code section was amended to expand the exemption for nonprofit churches to include purchases of baptistries, certain printed materials used in carrying out the work of the church and gifts for use outside church buildings.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 15, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-10-24.1. Commercial Watermen (Virginia Retail Sales and Use Tax Regulations).** This regulation is being amended to conform to the changes made by the 1985 and 1986 sessions of the General Assembly to § 58.1-608.28 of the Code of Virginia (1985 Acts, Chapter 471 and 1986 Acts, Chapter 605). This Code section was amended to expand the exemption granted to commercial watermen.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until August 11, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-10-28. Credit and Installment Sales (Virginia Retail Sales and Use Tax Regulations).** The proposed amendments to the regulations will set forth the application of the sales and use tax to persons making conditional, charge or installment sales.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until August 11, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-10-32. Dealer's Withdrawals from Inventory (Virginia Retail Sales and Use Tax Regulations).** The purpose of the proposed amendment is to reflect 1986 legislative changes concerning the application of the Virginia Retail Sales and Use Tax to tangible personal property withdrawn from inventory for donation to a nonprofit organization or for donation to the state.

Statutory Authority: § 58.1-204 of the Code of Virginia.

Written comments may be submitted until August 10, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-10-74. Nonprofit Organizations (Virginia Retail Sales and Use Tax Regulations).** The purpose of the proposed regulations is to reflect 1985 and 1986 legislative changes concerning the application of the Virginia Retail Sales and Use Tax to tangible personal property purchased for use or consumption by certain nonprofit organizations,

## General Notices/Errata

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and any other changes necessary to clarify the regulations.

Statutory Authority: § 58.1-204 of the Code of Virginia.

Written comments may be submitted until August 10, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-10-86. Printing (Virginia Retail Sales and Use Tax Regulations)**. The purpose of the proposed revision is to reference legislation enacted by the 1986 session of the General Assembly exempting high speed electrostatic duplicators and other duplicators which have a printing capacity of 4000 or more impressions per hour from the sales and use tax when purchased or leased by persons engaged primarily in the printing or photocopying of products for sale or resale.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 15, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-10-96. Schools and Colleges, Certain Education Institutions and Other Institutions of Learning (Virginia Retail Sales and Use Tax Regulations)**. The purpose of the proposed regulation is to reflect 1986 legislative changes concerning the application of the Virginia Retail Sales and Use Tax to tangible personal property purchased for use or consumption or sale at retail by a Parent Teacher Association.

Statutory Authority: § 58.1-204 of the Code of Virginia.

Written comments may be submitted until August 10, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider promulgating regulations entitled: **VR 630-10-102.11. Taxidermists (Virginia Retail Sales and Use Tax Regulations)**. This regulation will set forth the application of the sales and use tax to taxidermists.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 15, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-14-800 et seq. Virginia Recordation Tax**. The purpose of the proposed amendments is to incorporate legislative changes made by the 1985 Acts of Assembly Chapters 134, (HB 1697 Deeds conveying property to the original beneficiaries of a deed in trust) and 246, (HB 1637 Deed claiming exemption from tax must cite code section granting exemption) and other appropriate amendments as may be suggested.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 15, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone(804) 257-8010

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-18-796.11:3. Levy of Tax; Rules and Regulations; and VR 630-18-796.11:4. Handler to Deduct Tax from Payment to Farmers; Report and Payment of Tax by Handler. (Virginia Egg Excise Tax)**. The purpose of the proposed amendments is to reflect 1985 legislative changes to § 3.1-796.11:3 of the Code of Virginia which narrowed the levy of the egg excise tax to eggs produced or sold in Virginia.

Statutory Authority: §§ 3.1-796.11:3 and 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 15, 1986.

**Contact:** Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

## VIRGINIA BOARD OF VETERINARY MEDICINE

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Veterinary Medicine intends to consider promulgating, amending and repealing regulations entitled: **Regulations Governing the Practice of Veterinary Medicine**. The purpose of the proposed regulations is to provide standards for the practice of veterinary medicine and surgery in Virginia, and to establish the requirements for licensure as veterinarians, certification as animal technicians, and registration of animal facilities. The board proposes to act on information and argument received during its period of regulatory review since August 1, 1984.

Statutory Authority: § 54-784.03 of the Code of Virginia.

Written comments may be submitted until August 21, 1986.

Other pertinent information: The board intends to formulate regulations based upon a comprehensive review of existing regulations ordered by Executive Order 5284 from the office of the Governor

**Contact:** Moria C. Lux, Executive Director, Virginia Board of Veterinary Medicine, P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0069

## GENERAL NOTICES

### DEPARTMENT OF HEALTH

#### Notice to Persons Desiring to Participate in Rule-Making.

The Virginia Department of Health under its Rules and Regulations for Public Participation is required to periodically publish in the Virginia Register of Regulations, in a newspaper published at Richmond, and in other newspapers, a request that any individual or organization interested in participating in the development of specific rules and regulations so notify the Office of the Commissioner. Individuals and organizations identified through this process will be incorporated into the mailing lists maintained by the divisions and bureaus of the department, and will be notified at such time as the department may amend any of its regulations.

This notice applies to the following rules and regulations:

- Blood Banks
- Campgrounds
- Certificate of Public Need
- Chemical Substances, Reporting of
- Crab Meat
- Cremators
- Crippled Children's Services, Plan
- Diseases, Reporting and Control of
- Eligibility Standards and Charges for Medical Care Services
- Emergency Medical Services
- Emergency Medical Services, Financial Aid for Hospitals
- Hotels
- Marinas
- Maternal High-Risk Hospitalization
- Midwifery (non-nurse)
- Migrant Labor Camps
- Nursing Homes
- Oysters, Clams, and Other Shellfish
- Phenylketonuria (PKU)
- Radiation, Ionizing
- Restaurants
- Scholarships, State Dental
- Scholarships, State Medical
- Service Stations
- Sewage Handling and Disposal
- Sewerage
- Summer Camps
- Swimming Pools, for Tourist Establishments
- Vital Records & Health Statistics
- Voluntary Formulary
- Voluntary Formulary, Implementation of Law
- Waterworks (Public Drinking Water)
- WIC Program

Individuals or organizations wishing to be placed on the mailing list should submit their name and address and the title of the specific regulation in which they have an interest to:

Office of the Commissioner  
State Health Department  
400 James Madison Building  
109 Governor Street  
Richmond, Virginia 23219

Names should be submitted on or before August 30, 1986.

### NOTICE TO STATE AGENCIES

RE: 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

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have any forms or you need additional forms, please contact: Ann M. Brown, Assistant Registrar of Regulations, Virginia Code Commission, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## FORMS:

PROPOSED (Transmittal Sheet) - RR01  
FINAL (Transmittal Sheet) - RR02  
NOTICE OF MEETING - RR03  
NOTICE OF INTENDED REGULATORY ACTION - RR04  
NOTICE OF COMMENT PERIOD - RR05  
AGENCY RESPONSE TO LEGISLATIVE OR GUBERNATORIAL OBJECTIONS - RR06

## ERRATA

REGISTRAR'S NOTE: Corrections to § 4.12 are primarily punctuation changes. Each paragraph ends with a period and each act is intended to be grounds for disciplinary action.

### VIRGINIA DEPARTMENT OF COMMERCE

Title of Regulation: VR 190-04-1. Private Security Services Businesses.

Public Hearing Date: August 26, 1986

Issue: 2:19 VA.R., pages 1858 through 1863, June 23, 1986

Section 4.12 should read as follows:

The department may refuse to issue a license or registration, suspend or revoke a license or registration, or deny renewal of a license, or modify any registration or license if it finds that.

~~4-16.1~~ 1. The applicant, registrant, compliance agent, director, officer, proprietor, partner or associate of any licensed firm has had his license or registration suspended, revoked, or denied renewal in any jurisdiction of the United States, or has been convicted of a felony or misdemeanor directly related to the occupation or has violated any regulation directly related to the occupation.

~~4-16.2~~ 2. There has been any fraud or material misrepresentation by the applicant, licensee or registrant in obtaining a license, license renewal or registration.

~~4-16.3~~ 3. The applicant, licensee or registrant has failed to provide information requested by the department within a reasonable period of time.

~~4-16.4~~ 4. The applicant, licensee or registrant has

violated, or aided or abetted others in violating §§ 54-729.27 through 54-729.34 of the Code of Virginia, regulations adopted by the Department of Criminal Justice Services, or these regulations.

~~4-16.5~~ 5. The applicant, compliance agent, licensee or registrant has performed an act resulting in loss, injury or death to any person when such loss, injury or death has resulted from negligent or improper conduct.

~~4-16.6~~ 6. The licensee has shown a pattern of employing temporary registrants with no intent to provide the mandatory training.

All previous rules of the department regarding private security services businesses are repealed.

### DEPARTMENT OF TAXATION

REGISTRAR'S NOTE: The agency zip code was inaccurate. Please note correction. Notice appeared in the General Notice/Errata Section.

Notice of Intended Regulatory Action

Title of Regulation: Virginia Egg Excise Tax.

Issue: 2:21 VA.R., page 2110, July 21, 1986

Contact: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

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# CALENDAR OF EVENTS

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<b>Symbol Key †</b>
† Indicates entries since last publication of the Virginia Register
☒ Location accessible to handicapped

## THE VIRGINIA CODE COMMISSION

**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.

## EXECUTIVE

### STATE BOARD OF ACCOUNTANCY

**August 11, 1986 - 11 a.m. – Open Meeting**  
Department of Commerce, Travelers Building, 5th Floor,  
3600 West Broad Street, Richmond, Virginia. ☒

A meeting to discuss comments from the public hearing regarding proposed amendments to the Virginia State Board of Accountancy's rules and regulations relating to fee increases, and to adopt these final regulations. Other business will be considered.

**August 11, 1986 - 10 a.m. – Public Hearing**  
Department of Commerce, Travelers Building, 3600 West  
Broad Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-16.14:7.1 of the Code of Virginia that the State Board of Accountancy intends to amend regulations entitled: **Virginia State Board of Accountancy Rules and Regulations.** These regulations govern the profession of certified public accountants.

Statutory Authority: §§ 54-1.28 (5) and 54-84 of the Code of Virginia.

Written comments may be submitted until August 8, 1986.

**Contact:** Roberta L. Banning, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8505 (toll-free number 1-800-552-3016)

## GOVERNOR'S ADVISORY BOARD ON AGING

† **September 17, 1986 - 1 p.m. – Open Meeting**  
† **September 18, 1986 - 9 a.m. – Open Meeting**  
† **September 19, 1986 - 9 a.m. – Open Meeting**  
Virginia Beach Hilton Inn, 8th Street and Atlantic Avenue,  
Virginia Beach, Virginia. ☒

The board will hold a joint meeting with the directors of Virginia's twenty-five area agencies on aging and their local board chairpersons. State and federal legislation and other issues impacting on the lives of older Virginians will be discussed.

**Contact:** William H. Peterson, Virginia Department for the Aging, 101 N. 14th St., Richmond, Va. 23219-2797, telephone (804) 225-3140 (TDD/Voice (804) 225-2271)

## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

**September 8, 1986 -** Written 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 Agriculture and Consumer Services intends to adopt regulations entitled: **VR 115-02-13. Rules and Regulations Governing the Transportation of Companion Animals.** These regulations establish standards for transportation of impounded companion animals and companion animals moving in commerce.

Statutory Authority: § 29-213.37 of the Code of Virginia.

Written comments may be submitted until September 8, 1986 to Tonya K. Higgins, D.V.M., Animal Welfare Veterinarian, Department of Agriculture and Consumer Services, Division of Animal Health, Washington Building, Suite 600, 1100 Bank Street, Richmond, Virginia 23219-3639

**Contact:** Tonya K. Higgins, D.V.M., Animal Welfare Veterinarian, Department of Agriculture and Consumer Services, Division of Animal Health, Washington Bldg., Suite 600, 1100 Bank St., Richmond, Va. 23219-3639, telephone (804) 786-2483

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# Calendar of Events

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**September 8, 1986** - Written 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 Agriculture and Consumer Services intends to adopt regulations entitled: **VR 115-02-14. Rules and Regulations Governing the Transportation of Horses.** These regulations establish standards for transportation of loads of horses being transported to a commercial slaughter facility.

Statutory Authority: § 29-213.37 of the Code of Virginia.

Written comments may be submitted until September 8, 1986 to Tonya K. Higgins, D.V.M., Animal Welfare Veterinarian, Department of Agriculture and Consumer Services, Division of Animal Health, Washington Building, Suite 600, 1100 Bank Street, Richmond, Virginia 23219

**Contact:** Tonya K. Higgins, D.V.M., Animal Welfare Veterinarian, Department of Agriculture and Consumer Services, Division of Animal Health, Washington Bldg., Suite 600, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-2483

\* \* \* \* \*

**September 22, 1986 - 2 p.m.** - Public Hearing  
Washington Building, 2nd Floor Board Room, 1100 Bank Street, Richmond, Virginia ☐

Notice is hereby given in accordance with § 9-6.14:17.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to repeal regulations entitled: **Rules and Regulations Governing the Production, Processing and Sale of Grade "A" Condensed and Dry Milk Products and Grade "A" Condensed and Dry Whey.** These regulations govern the production, packing, labeling, storage, transportation, handling and sale of condensed and dry milk products and condensed and dry whey for use in commercial preparation of Grade "A" pasteurized milk products.

Statutory Authority: § 3.1-530.1 of the Code of Virginia.

Written comments may be submitted until September 5, 1986, to Raymond D. Vaughan, Secretary, Board of Agriculture and Consumer Services, P.O. Box 1163, Richmond, Virginia 23209

**Contact:** William R. Crump, Jr., Chief, Bureau of Dairy Services, Department of Agriculture and Consumer Services, Division of Dairy and Foods, P.O. Box 1163, Richmond, Va. 23209, telephone (804) 786-1452

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**September 22, 1986 - 2 p.m.** - Public Hearing  
Washington Building, 2nd Floor Board Room, 1100 Bank

Street, Richmond, Virginia ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to amend regulations entitled: **VR 115-05-01. Rules and Regulations Governing the Production, Processing and Sale of Grade "A" Pasteurized Market Milk and Grade "A" Pasteurized Market Milk Products and Certain Milk Products.** These regulations prescribe the production, processing, labeling and distribution of Grade "A" Market Milk, and Grade "A" Market Milk Products within the Commonwealth of Virginia.

Statutory Authority: § 3.1-530.1 of the Code of Virginia.

Written comments may be submitted until September 5, 1986, to Raymond D. Vaughan, Secretary, Board of Agriculture and Consumer Services, P.O. Box 1163, Richmond, Virginia 23209

**Contact:** William R. Crump, Jr., Chief, Bureau of Dairy Services, Department of Agriculture and Consumer Services, Division of Dairy and Food, P.O. Box 1163, Richmond, Va. 23209, telephone (804) 786-1452

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**September 22, 1986 - 2 p.m.** - Public Hearing  
Washington Building, 2nd Floor Board Room, 1100 Bank Street, Richmond, Virginia ☐

Notice is hereby given in accordance with § 9-6.14:17.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to amend regulations entitled: **VR 115-05-02. Rules and Regulations Governing the Cooling or Storage of Milk on Dairy Farms; The Sampling and Sample Handling of Milk From the Farm to the Laboratory; The Handling Transferring, Hauling and Delivery of Milk From the Farm to the Processing Plant.** These regulations govern the cooling and storage of milk on dairy farms, sampling and handling of milk samples and the hauling, transferring, storage, handling and delivery of milk from the farm to the processing plant within the Commonwealth of Virginia.

Statutory Authority: § 3.1-530.1 of the Code of Virginia.

Written comments may be submitted until September 5, 1986, to Raymond D. Vaughan, Secretary, Board of Agriculture and Consumer Services, P.O. Box 1163, Richmond, Virginia 23209

**Contact:** W. R. Crump, Jr., Chief, Bureau of Dairy Services, Department of Agriculture and Consumer Services, Division of Dairy and Foods, P.O. Box 1163, Richmond, Va. 23208, telephone (804) 786-1452

## STATE AIR POLLUTION CONTROL BOARD

† August 7, 1986 - 10 a.m. - Open Meeting

Richmond Public Library, Conference Room A, First and Franklin Streets, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to allow public comment on changes to James River Paper Company's alternative compliance schedule for reducing volatile organic compound emissions.

Contact: William M. Jewell, Jr., 8205 Hermitage Road, Richmond, Va. 23228, telephone (804) 264-3067

## DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

September 23, 1986 - 10 a.m. - Public Hearing  
2901 Hermitage Road, 1st Floor Hearing Room, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Alcoholic Beverage Control intends to adopt and amend regulations concerning the manufacture, sale and advertising of alcoholic beverages. These amendments are to provide clarification of various issues; to establish guidelines and to deregulate the following areas:

Advertising (VR 125-01-2);

Tied-House (VR 125-01-3);

Requirements for Product Approval (VR 125-01-4);

Retail Operations (VR 125-01-5);

Manufacturers and Wholesalers Operators (VR 125-01-6);

Other Provisions (VR 125-01-7).

### Title of Regulation: VR 125-01-2. Advertising.

Basis: This amendment is proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-69, 4-98.10(w) and 4-98.14 of the Code of Virginia.

§ 3. Advertising; exterior, signs, trucks, uniforms.

Purpose: The amendment to subsection A, paragraph 3, is the deletion of language which limits the number of directional signs to wineries and farm wineries to engage in additional advertising and increase their visibility to the public. It would also serve as a tourist attraction.

Issue: Is the current restriction of two directional signs not

farther than one-half mile from the licensed establishment sufficient for advertising to the general public or would addition advertising cause an unsightly proliferation of signage?

Substance: The farm wineries are in support of this deregulation because it would help introduce the winery and its products to the public and thus increase business. Wineries should be able to advertise in the same manner as any other retail business in the Commonwealth in compliance with the rules, regulations and ordinances of the county, city or town in which the establishment is located.

Impact: It would allow wineries to do unlimited roadside directional advertising in accordance with the laws of the local governing body. It would not cause an unsightly proliferation of signage because the winery would only put up as many directional signs as permitted by local governing bodies. This is deregulation and would have little or no effect on the agency.

§ 9. Advertising; coupons.

Basis: The amendment is proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-69, 4-79, 4-98.10(w), 4-98.14 and 4-103(b) and (c) of the Code of Virginia.

Purpose: 1. To provide another source for the public to obtain refund coupons. Currently, refund coupons may be obtained from the product, in the print media, or by direct mail to the consumer from the manufacturer. This amendment would permit wholesalers, on behalf of manufacturers, to attach refund coupons to cut case cards.

2. To limit the value of a refund coupon to not more than 50% of the normal retail price.

Issues: 1. Should wholesalers be permitted to provide this additional service for retailers and the general public?

2. Is it in the best interest of the public to place a limit on the value of refund coupons?

3. Would a refund of more than 50% of the normal retail price constitute an inducement to purchase alcoholic beverages?

Substance: 1. Beer wholesalers are opposed to the regulation because they are in competition with wine wholesalers. The wine wholesalers favor the regulation because it would help balance the competition between large wineries and small wineries, which do not have the facilities to attach refund pads prior to their reaching the retail establishment. Also since coupons are allowed to be attached to case cards in the State A.B.C. stores, they should be permitted in the general marketplace.

2. This amendment would limit the amount of the refund where no such limitation currently exists. Refund coupons cannot exceed 50% of the normal retail value of the



# Calendar of Events

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product. The Beer Wholesalers Association opposed the regulation. It favored manufacturers being permitted to affix coupons of an unlimited value.

**Impact:** 1. There may be a slight cost of enforcement, making sure retailers consented to the coupons and that coupons were offered to all retail licensees equally. The implementation will cause an additional cost to those wine wholesalers who desire to attach such coupons, but it will not affect the agency other than as noted above.

2. Implementation and enforcement of this regulation will cause an insignificant cost to the agency.

\* \* \* \* \*

## **Title of Regulation:** VR 125-01-3. Tied-House.

§ 2. Rotation and exchange of stocks of retailers by wholesalers; permitted and prohibited acts.

**Basis:** This amendment is proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-22.1, 4-33(d), 4-37(e), 4-79, 4-103(b) and 4-115 of the Code of Virginia.

**Purpose:** 1. To allow wholesalers to remove from their assigned positions the misplaced merchandise of other wholesalers.

2. To permit wholesalers to provide additional services to retailers and further deregulation by the board.

3. To permit wine wholesalers to exchange wine on an identical quantity, brand or package basis for quality control purposes and to ensure that fresh stock is maintained in retail establishments.

**Issues:** 1. Does permitting a wholesaler to remove another wholesaler's product from an area which the first wholesaler has been assigned by the retailer constitute a resetting which is in violation § 4-79 of the Code of Virginia.

2. Should the board authorize wholesalers to engage in this activity?

3. Would this place an additional burden on small wholesalers?

4. Should wine wholesalers be permitted to exchange wine for quality control purposes, now permitted by beer wholesalers?

**Substance:** 1. The Beer Wholesalers Association proposed the relaxation in the regulation regarding wholesalers moving the merchandise of other wholesalers. These amendments would permit wholesalers greater flexibility in keeping their assigned space in the retail establishment free from the merchandise of other wholesalers.

2. This deregulation would permit wholesalers to perform

a service which is currently prohibited.

3. The Virginia Winery Association is greatly in favor of this amendment because wines have a short shelf life and need to be exchanged to protect the integrity of the product.

**Impact:** 1. The cost of enforcement and implementation of this amendment would be minimal to this agency. The cost incurred would be by those wineries and wholesalers who wish to engage in this activity. This is deregulation which will allow wholesalers more flexibility in providing services for retailers.

§ 6. Certain transactions to be for cash; "cash" defined; reports by sellers; payments to the board.

**Basis:** The amendment is proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-33, 4-44, 4-60(h) and (j), 4-98.11, 4-98.18, 4-98.19, 4-103 (b) and 4-107 of the Code of Virginia.

**Purpose:** Wholesalers would no longer be required to submit an invalid check report when no such checks have been received from retail licensees. This is deregulation.

**Issues:** Should a wholesaler be required to submit an invalid check report to the board when there are no such invalid checks to report to the board.?

**Substance:** When a wholesaler has not received any invalid checks he would no longer be required to submit an invalid check report to the board.

**Impact:** This is deregulation which would enhance both administrative and industrial efficiency. It would eliminate unnecessary paper work for the agency, as well as the wholesaler.

§ 9. Inducement to retailers; tapping equipment; bottle or can openers; banquet licenses; cut case cards; *clip-ons and table tents*.

**Basis:** These amendments are proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-69.2, 4-79(f) and (h) and 4-98.14 of the Code of Virginia.

**Purpose:** To clarify and define the limitations and restrictions in which these materials and equipment may be furnished to retailers by manufacturers and wholesalers of alcoholic beverages resulting from a statutory change in § 4-79 of the Code of Virginia, as amended by the 1986 General Assembly.

**Issue:** Should wholesalers be restricted to the furnishing of such equipment and materials to retailers as presently provided in § 9 of VR 125-01-3?

**Substance:** 1. The first amendment inserts a new subsection B. which permits wine tapping equipment. The amendment defines what is and is not considered part of

the equipment.

2. The second major amendment to the section permits beer manufacturers, bottlers or wholesalers to sell, lend, buy for or give to any retailer beer cut case cards. The cut case cards must be supported by or affixed to an integral part of the case display and the wholesaler may mark or affix retail prices on them with the consent of the retailer.

3. The third amendment permits wine wholesalers to sell, lend, buy for or give to any retailer wine clip-ons and table tents. The amendments limit the number of wines to be listed on these items to four.

**Impact:** The regulation will permit the wine and beer wholesalers more flexibility in assisting retailers in advertising wine and beer products. The agency will not have to increase staff to enforce this regulation; thus, there should be no significant costs of implementation or enforcement.

§ 10. Routine business entertainment; defintion; permitted acitivites; conditions.

**Basis:** The amendment is proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-79, 4-98.14 and 4-103(b) of the Code of Virginia.

**Purpose:** To permit manufacturers to entertain retailers in a similar manner as wholesalers are permitted to do by § 4-79 (a2) of the Code of Virginia and § VR 125-01-3 and pursuant to § 4-79 of the Code of Virginia, as amended by the 1986 General Assembly.

**Issues:** Should a licensed manufacturer of alcoholic beverages be allowed to furnish entertainment to licensed retailers?

**Substance:** See purpose.

**Impact:** This regulation will affect those manufacturers who provide the entertainment and the retailers who are recipients of the entertainment. It will impose no costs on any retailer and a very minor record keeping requirement on the manufacturer. No additional costs to this agency are anticipated with respect to implementation and enforcement of this regulation.

\* \* \* \* \*

**Title of Regulation:** VR 125-01-4. Requirements for Product Approval.

§ 2 Wines; qualifying procedures; disqualifying factors; samples; exceptions.

**Basis:** The regulation is proposed under the authority contained in §§ 4-7(h) and (1) and 4-11(a) of the Code of Virginia.

**Purpose:** Allows manufacturers of wine coolers and sangria-type wines to use artificial coloring. The language of this regulation is the same as adopted in Emergency Regulation A-245, effective August 7, 1985.

**Issues:** Should manufacturers of wine coolers and sangria-type wines be permitted to add artificial coloring which is now allowed by the federal authorities?

**Substance:** See purpose.

**Impact:** This has been in effect since August 1985. All costs will be incurred by industry. This amendment will have no affect on this agency with respect to implementation and enforcement.

\* \* \* \* \*

**Title of Regulation:** VR 125-01-5. Retail Operations.

§ 2. Determination of legal age of purchaser.

**Basis:** This regulation is proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-62, 4-98.14 and 4-103(b) of the Code of Virginia.

**Purpose:** To reduce the types of valid identification acceptable by retail licensees as proof of age.

**Issues:** 1. Will the elimination of college and university identification cards reduce the instances of sales of alcoholic beverages to persons less than the legal drinking age?

2. Will the elimination of such identification cards cause a hardship to those persons not possessing operator's licenses?

3. Can college and university identification cards be easily altered or forged to procure alcoholic beverages?

**Substances:** Reduce the sources of valid identification that may be used to procure alcoholic beverages. Reduce the potential for false identification as most college identifications fail to meet the specifications of height and weight.

**Impact:** This may place a greater burden on retailers when purchasers do not possess a driver's license. However, the amendment should reduce incidents of sales of alcoholic beverages to persons less than the legal age. Thus, the costs to this agency for implementation and enforcement will be reduced.

§ 17. Caterer's license.

**Basis:** This regulation is proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-69 and 4-98.2(c) of the Code of Virginia, amended by Senate Bill 254, of the 1986 General Assembly.

# Calendar of Events

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**Purpose:** To permit and define mixed beverage caterer's licenses and qualifications.

**Issues:** 1. To whom should such a license be issued?

2. What specific restrictions should be placed on such a license?

**Substance:** The proposed regulation is Emergency Regulation A-247, effective July 1, 1986, with the following amendments. The proposed amendment to subsection A, paragraph 2, requires the caterer to have gross sales averaging at least \$5,000 per month.

Subsection B, paragraph 4, is proposed to be amended so that the established place of business where the caterer may store alcoholic beverages must also be approved by the board.

The proposed amendments to subsections C.2 and C.6 will expand the regulations to include sponsoring groups or organization as well as persons.

The proposed amendment to subsection C.4 will reduce the number of times the caterer will have to notify the board of catered events, but requires the caterer to plan his schedule by the month. The caterer should notify the board in writing at least two calendar days in advance of any events to be catered under his license for the following month.

Subsection C.5 will be limited by the proposed amendment to private events at which alcoholic beverages are served, but not sold.

The proposed amendment to subsection C.7 would replace the present language with the following language: "The licensee shall insure that all functions at which alcoholic beverages are sold are ones which qualify for a banquet license, for a special event license or a mixed beverage special events license. Licensees are entitled to all services and equipment now available under a banquet license from wholesalers."

The proposed amendment to subsection C.8 eliminates the requirement that the caterer's license, which must be present at the catered event, be certified.

The proposed amendment to subsection C.9 would make the exceptions to § 4-79 of the Code of Virginia that provide for banquet or mixed beverage special events licenses inapplicable to a caterer's license.

**Impact:** The license tax on such a license is \$1,300 per annum; however, this new license category will cause this agency additional costs for processing applications, licensing and monitoring. At this time it cannot be predicted how great an impact this new regulation will have.

**Title of Regulation:** VR 125-01-6. Manufacturers and Wholesalers Operators.

§ 4. Indemnifying bond required of wholesale wine distributors.

**Basis:** This amendment is proposed under the authority contained in §§ 4-7(a), (b) and (1), 4-11(a) and 4-31(g) of the Code of Virginia.

**Purpose:** To eliminate federal, state and local bonds in lieu of surety bond and authorize the board to waive the requirement of both the surety and the bond in cases where the wholesaler has previously demonstrated his financial responsibility as provided by a change in § 4-31 of the Code of Virginia, as amended by the 1986 General Assembly.

**Issues:** Whether the board should waive the requirement of both the surety and the bond in cases where the wholesaler has previously demonstrated his financial responsibility.

**Substance:** See purpose.

**Impact:** This is deregulation. This will result in administrative efficiency by reducing paperwork when a wholesaler requests and is granted such a waiver for good cause shown.

§ 6. Beer, importer licenses; conditions for issuance and renewal.

**Basis:** The amendment is proposed under the authority contained in §§ 4-7(b) and (1), 4-11 and 4-25(g1) and (e1) of the Code of Virginia.

**Purpose:** To eliminate unauthorized persons shipping wine into the Commonwealth to wholesalers without the brand owner's approval.

**Issues:** 1. Will requiring wine importers to provide the board with a list of the brands of wines they will import and written authorization of those brand owners to import their brand into the state preventing transshipping of wine to wholesalers in Virginia?

2. Do wine importers and wholesalers need the same safeguards now afforded to beer importers?

**Substance:** The Virginia Wine Wholesalers Association supports this regulation because of the risk of product adulteration and product liability resulting in higher issuance premiums. The regulation would protect wineries.

**Impact:** The costs of implementation and enforcement are insignificant. The amendment will require wine importers to do more paper work to prove they are authorized to import the wine into the Commonwealth.

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## Title of Regulation: VR 125-01-7. Other Provisions.

§ 6. Alcoholic beverages for hospitals, industrial and manufacturing users.

Basis: This amendment is proposed under the authority contained in §§ 4-7(a), (b) and (1), 4-11(a), 4-15.02 (effective July 1, 1986), 4-48(a) and 4-72.1 B. of the Code of Virginia.

Purpose: To remove the current regulatory burden on shipper or carrier of a transportation permit.

2. Regulatory clarification as a result of the removal of the board's authority to sell wine.

Issues: 1. Will the elimination of the transportation permit to the shipper or carrier create an enforcement problem relating to the control of alcohol or alcoholic beverages coming into or through Virginia?

2. Will a bill of lading or a complete and accurate memorandum accompanying the shipment of alcoholic beverages to the permittee be sufficient as is the current practice in the marketplace?

3. Should a copy of the bill of lading or memorandum be submitted to the board by the permittee after delivery?

4. Is the elimination of references to "markup," which applied to wine sales by the board, appropriate since the board no longer has authority to sell wines other than Virginia farm winery wines or vermouth?

Substance: 1. This amendment would reduce the burdens of shippers having to get transportation permits for every shipment. Instead, the shipper would only be required to get a yearly permit. However, the permittee shall submit a valid copy of the invoice covering the transaction to the board.

2. The word "markup" usually refers to wine sales. The board can no longer sell wines other than Virginia farm winery wines or vermouth; therefore, "markup" should be changed to "permit fee" to be used with regards to other alcoholic beverages.

Impact: 1. Cost of implementation would be insignificant. The amendment would enhance administrative efficiency, for there would be less paper work.

2. This is merely a clarification in the regulation. No additional costs will be incurred by the agency to implement and enforce this regulation. Also it will have no substantial impact on the alcoholic beverage industry.

Statutory Authority: §§ 9-6.14:7.1 and 9-6.12:22 of the Code of Virginia.

Written comments may be submitted until September 23, 1986.

**Contact:** Robert N. Swinson, Assistant Secretary to the Board, Department of Alcoholic Beverage Control, P. O. Box 27491, Richmond, Va. 23261, telephone (804) 257-0617

## STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND CERTIFIED LANDSCAPE ARCHITECTS

† **September 12, 1986 - 9 a.m.** – Open Meeting  
Department of Commerce, Travelers Building, 5th Floor, 3600 West Broad Street, Richmond, Virginia. ☐

The board will meet to (i) approve minutes of May 16, 1986; (ii) review disciplinary cases; (iii) consider regulatory changes; and (iv) plan a meeting schedule for next year.

**Contact:** Joan L. White, Assistant Director, APELSCLA, Department of Commerce, Travelers Bldg., 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8555

### State Board of Architects

**August 26, 1986 - 9 a.m.** – Open Meeting  
Department of Commerce, Travelers Building, 5th Floor, 3600 West Broad Street, Richmond, Virginia 23230. ☐

The board will meet to (i) approve minutes of May 2, 1986, (ii) review investigative cases, and (iii) review applications.

**Contact:** Jennifer S. Wester, Acting Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8555

### VIRGINIA AVIATION BOARD

**August 13, 1986 - 9:30 a.m.** – Open Meeting  
Ramada Renaissance Hotel, Washington-Dulles International Airport, 13889 Park Center Road, Herndon, Virginia. ☐

Presentation of Fiscal Year '87 Airport Funding Applications and Tentative Allocations. This board meeting is being held in conjunction with the 13th Annual Virginia Aviation Conference.

**Contact:** Kenneth A. Rowe, Director, Department of Aviation, 4508 S. Laburnum Ave., P.O. Box 7716, Richmond, Va. 23231, telephone (804) 786-6284

### DEPARTMENT OF AVIATION

**August 13, 1986 - 9:30 a.m.** – Open Meeting  
**August 14, 1986 - 9 a.m.** – Open Meeting

# Calendar of Events

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**August 15, 1986 - 9 a.m. - Open Meeting**  
Ramada Renaissance Hotel, Washington-Dulles International  
Airport, 13889 Park Center Road, Herndon, Virginia. ☒

13th Annual Virginia Aviation Conference.

Provides a forum for exchange of ideas with varied  
aviation interests. Provides an update for Virginia's  
aviation community on current topics of interest.

**Contact:** Kenneth A. Rowe, Director, Department of  
Aviation, 4508 S. Laburnum Ave., P.O. Box 7716,  
Richmond, Va. 23231, telephone (804) 786-6284

## **GOVERNOR'S ADVISORY BOARD ON CHILD ABUSE AND NEGLECT**

### **Prevention Subcommittee**

† **August 12, 1986 - 11 a.m. - Open Meeting**  
Koger Executive Center, Blair Building, Conference Room  
A, 2nd Floor, 8007 Discovery Drive, Richmond, Virginia. ☒

A working subcommittee of the Governor's Advisory  
Board with a focus on prevention programs. Reports  
will be made on current activities of the  
subcommittee.

**Contact:** Ann Childress, Department of Social Services,  
8007 Discovery Dr., Richmond, Va. 23229-8699, telephone  
(804) 281-9081

## **INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF CHILDREN'S RESIDENTIAL FACILITIES**

### **Coordinating Committee**

**August 8, 1986 - 8 a.m. - Open Meeting**  
Department of Social Services, Blair Building, 2nd Floor,  
Conference Room A, 8007 Discovery Drive, Richmond,  
Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to consider (i) structured interim  
monitoring strategies for residential facilities; and (ii)  
advisory committee report.

**Contact:** Sandra G. Davis, Blair Building, 8007 Discovery  
Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025

## **DEPARTMENT OF COMMERCE**

**August 26, 1986 - 10 a.m. - Public Hearing**

Department of Commerce, Travelers Building, Room 395,  
3600 West Broad Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1  
of the Code of Virginia that the Department of  
Commerce intends to adopt, amend and repeal  
regulations entitled: **VR 190-04-1. Private Security  
Services Business Regulations.** These regulations  
affect businesses offering private security services and  
their employees.

Statutory Authority: Chapter 17.3 (§ 54-729.27 et seq.) of  
Title 54 of the Code of Virginia.

Written comments may be submitted until August 22, 1986.

**Contact:** David E. Dick, Assistant Director, Department of  
Commerce, 3600 W. Broad St., Richmond, Va. 23230,  
telephone (804) 257-8515 (toll-free number 1-800-552-3016)

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**September 17, 1986 - 10 a.m. - Public Hearing**  
Department of Commerce, Travelers Building, 3600 West  
Broad Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1  
of the Code of Virginia that the Department of  
Commerce intends to adopt regulations entitled: **VR  
190-01-1. Rules and Regulations Governing  
Employment Agencies.** These regulations regulate  
individuals, partnerships and corporations offering  
employment agency services.

Statutory Authority: § 54-872.23:1 of the Code of Virginia.

Written comments may be submitted until September 5,  
1986.

**Contact:** Roberta L. Banning, Assistant Director,  
Department of Commerce, 3600 W. Broad St., Richmond,  
Va. 23230, telephone (804) 257-8505 (toll-free number  
1-800-552-3016)

## **BOARD OF CORRECTIONS**

**August 13, 1986 - 10 a.m. - Open Meeting**  
**September 17, 1986 - 10 a.m. - Open Meeting**  
Department of Corrections, 4615 West Broad Street,  
Richmond, Virginia. ☒

A regular monthly meeting to consider such matters  
as may be presented to the Board of Corrections.

**Contact:** Vivian Toler, Secretary to the Board, 4615 W.  
Broad St., P.O. Box 26963, Richmond, Va. 23261, telephone  
(804) 257-6274

## VIRGINIA BOARD OF COSMETOLOGY

**August 18, 1986 - 9 a.m. - Open Meeting**  
Department of Commerce, Travelers Building, Conference Room 3, 5th Floor, 3600 West Broad Street, Richmond, Virginia. ☐

A meeting to review investigative reports of complaints and determine disposition, and to consider general correspondence pertinent to the operation of the board.

**Contact:** Olliver O. Trumbo, II, Assistant Director, Department of Commerce, Travelers Bldg., 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8509

require a more comprehensive physical examination than those used in the past.

**Purpose:** To update and expand current regulations to prescribe the scope of the physical examinations as required in the Code of Virginia.

Statutory Authority: § 22.1-16 of the Code of Virginia.

Written comments may be submitted until October 29, 1986.

**Contact:** R. A. Bynum, Associate Director, Department of Education, P.O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2037

## CRIMINAL JUSTICE SERVICES BOARD

### Committee on Training

† **September 3, 1986 - 9:30 a.m. - Open Meeting**  
State Capitol, House Room 2, Richmond, Virginia. ☐

A meeting to discuss matters related to training for criminal justice personnel.

**Contact:** Dr. Jay W. Malcan, Staff Executive, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

## STATE EDUCATION ASSISTANCE AUTHORITY

**September 3, 1986 - 10 a.m. - Public Hearing**  
State Capitol, House Room 1, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-16.14:7.1 of the Code of Virginia that the State Education Assistance Authority intends to adopt regulations entitled: **Regulations Governing the Virginia Guaranteed Student Loan Program and PLUS Loan Program.** These regulations establish policies governing the administration of the Federal Guaranteed Student Loan Program and PLUS Loan Program in the Commonwealth of Virginia.

Statutory Authority: § 23-38.64 of the Code of Virginia.

Written comments may be submitted until September 3, 1986.

**Contact:** Regina D. Williams, Director, Marketing/Communications, State Education Assistance Authority, Suite 300, 6 N. 6th St., Richmond, Va. 23219, telephone (804) 786-2035 (toll-free number 1-800-792-5626)

## DEPARTMENT OF EDUCATION

† **October 28, 1986 - 1:30 p.m. - Public Hearing**  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Education intends to amend regulations entitled: **Regulations Governing Pupil Transportation Including Minimum Standards for School Buses in Virginia.** The purpose of the proposed amendment is to prescribe the scope of physical examinations for school bus drivers.

### STATEMENT

**Subject and Substance:** Proposed adoption by the Board of Education of a revision of physical qualifications for school bus drivers.

**Issues:** 1. Estimated impact with respect to number of persons affected: All school bus drivers employed by public and private/parochial schools will be affected.

2. Projected cost for implementation and compliance: Some additional cost may be incurred by those local school boards and private schools that would need to

## GOVERNOR'S COMMISSION ON EFFICIENCY IN GOVERNMENT

**September 25, 1986 - 10 a.m. - Open Meeting - NOTE: CHANGE IN DATE**

**October 15, 1986 - 10 a.m. - Open Meeting**

**November 18, 1986 - 10 a.m. - Open Meeting**

**December 17, 1986 - 10 a.m. - Public Hearing**

General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☐

The Governor's Commission on Efficiency in Government has established its 1986 meeting schedule as follows:

9/25/86: Implementation of commission procedures and July meeting decisions.

# Calendar of Events

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10/15/86: Implementation of commission procedures and September meeting decisions.

11/18/86: Review results of work conducted in September and October; prepare recommendations.

12/17/86: Public hearing on recommendations to Governor and 1987 General Assembly; finalize recommendations.

**Contact:** Alan Albert OR Leonard Hopkins, Office of the Governor, State Capitol, Richmond, Va. 23219, telephone (804) 786-2211

## VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† August 8, 1986 - 6 p.m. - Open Meeting

† August 9, 1986 - 9 a.m. - Open Meeting

Omni Hotel, 235 West Main Street, Charlottesville, Virginia

An executive committee meeting to set goals and objectives for fiscal year 1986 (July 1986 - June 1987), and to certify candidates for the August 20-21, 1986, examinations.

† August 20, 1986 - 9 a.m. - Open Meeting

† August 21, 1986 - 9 a.m. - Open Meeting

John Tyler Community College, 13101 Jefferson Davis Highway, Chester, Virginia

### Examinations

† August 21, 1986 - 1 p.m. - Open Meeting

Holiday Inn, Route 10 and Interstate 95, Chester, Virginia

A general board meeting.

**Contact:** Mark L. Forberg, Executive Secretary, P. O. Box 27708, 517 W. Grace St., Richmond, Va. 23261, telephone (804) 786-0076,

## COMMISSION OF GAME AND INLAND FISHERIES

† August 22, 1986 - 9:30 a.m. - Public Hearing

Game Commission Offices, 4010 West Broad Street, Richmond, Virginia. ☐

A meeting to (i) establish Migratory Waterfowl Seasons for the 1986-87 hunting season, as prescribed under the U.S. Fish and Wildlife Service Framework; (ii) consider changes in the fishing regulations to become effective January 1, 1987; and (iii) consider general administrative matters.

**Contact:** Norma G. Adams, Administration, 4010 W. Broad St., Richmond, Va. 23230, telephone (804) 257-1000

## DEPARTMENT OF GENERAL SERVICES

### Art and Architectural Review Board

September 13, 1986 - 10 a.m. - Open Meeting  
Virginia Museum of Fine Arts, Main Conference Room, Boulevard and Grove Avenue, Richmond, Virginia. ☐

A meeting of the board to advise the Director of the Department of General Services and the Governor on architecture of state facilities to be constructed and works of art to be accepted or acquired by the Commonwealth.

**Contact:** Dorothy E. Ivankoe, Department of General Services, Ninth Street Office Bldg., Room 209, Richmond, Va. 23219, telephone (804) 786-3311

### Division of Consolidated Laboratory Services Advisory Board

† September 5, 1986 - 9:30 a.m. - Open Meeting  
James Monroe Building, Conference Room D, 101 North 14th Street, Richmond, Virginia. ☐

A meeting to discuss programs and issues confronting the Division of Consolidated Laboratory Services.

**Contact:** Dr. A. W. Tiedemann, Jr., Director, Division of Consolidated Laboratory Services, 101 N. 14th St., Richmond, Va. 23219, (804) 786-7905

## VIRGINIA BOARD OF GEOLOGY

† September 10, 1986 - 9 a.m. - Open Meeting  
Department of Commerce, Travelers Building, 5th Floor, 3600 West Broad Street, Richmond, Virginia. ☐

The board will meet to (i) approve the minutes of May 7, 1986, meeting; (ii) grade and review the test administered July 23; (iii) review new test questions; (iv) review new applications as required; (v) discuss our relationship with NC Board; and (vi) elect officers.

**Contact:** Joan L. White, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8555

## DEPARTMENT OF HEALTH

### Bureau of Pharmacy Services

August 26, 1986 - 10 a.m. - Public Hearing

# Calendar of Events

James Madison Building, Main Floor Auditorium, 109 Governor Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Health, Bureau of Pharmacy Services, intends to amend regulations entitled: **Virginia Voluntary Formulary**. This Formulary is a list of drugs of accepted therapeutic value, commonly prescribed and available from more than one source of supply.

Statutory Authority: §§ 32.1-12 and 32.1-79 et seq. of the Code of Virginia.

Written comments may be submitted until August 26, 1986.

**Contact:** James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, James Madison Bldg., 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4326

## Division of Water Programs

† **October 15, 1986 - 10 a.m.** — Public Hearing  
Madison Building, 1st Floor Conference Room, 109 Governor Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Health, Division of Water Programs, intends to amend regulations entitled: **Commonwealth of Virginia Sanitary Regulations for Marinas and Boat Moorings**. The regulations require all marinas and boat moorings to provide sanitary facilities.

## STATEMENT

**Analysis:** The legal authority is found in Article 10 of Chapter 6, Environmental Health Services of Title 32.1.

§ 32.1-246. Marinas. - A. The Board is empowered and directed to adopt and promulgate all necessary regulations establishing minimum requirements for adequate sewage facilities at marinas and other places where boats are moored according to the number of boat slips and persons such marinas and places are designed to accommodate. The provisions of this section shall be applicable to every such marina and place regardless of whether such establishment serves food.

**Summary, Purpose, Need:** The purpose of the regulations is to protect public health by preventing the spread of disease. When raw sewage is dumped into the water, a public health hazard is created. The marina program adds protection to the shellfish growing area and plays a vital role in the prevention of further condemnation. In addition to the protection of shellfish from additional contamination sources, more recreational use of the state waters can be safely made for the same reasons.

The VMI Research Laboratories' Marine Regulations Study clearly shows that there is an increase of fecal coliforms in and around marinas during periods of high boating activity. From this information it can clearly be seen that if we do not continue to provide safe sewerage facilities at marinas and other places where boats are moored, there will be further degradation of the waters.

**Estimated Impact:** There are now about 600 marinas and other places where boats are moored which are affected by the **Sanitary Regulations for Marinas and Boat Moorings**.

Statutory Authority: § 32.1-246 of the Code of Virginia.

Written comments may be submitted until October 15, 1985, to Dr. C. M. Sawyer, Virginia Department of Health, Division of Water Programs, Madison Building, Room 903, 109 Governor Street, Richmond, Virginia 23219

**Contact:** Albert F. Golding, Marina Supervisor, Virginia Department of Health, Division of Water Programs, Madison Bldg., Room 903A, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-1761

## VIRGINIA STATEWIDE HEALTH COORDINATING COUNCIL

**September 19, 1986 - 10 a.m.** — Public Hearing  
James Madison Building, Main Floor Auditorium, 109 Governor Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Statewide Health Coordinating Council intends to amend regulations entitled: **Virginia State Health Plan 1980-1984, Volume 1, pp. 474-475**. Standards for evaluating Certificate of Public Need applications to establish or expand ambulatory surgical services.

Statutory Authority: § 32.1-120 of the Code of Virginia.

Written comments may be submitted until September 19, 1986.

**Contact:** Ellen Zagorin, Health Planning Consultant, James Madison Bldg., Room 1010, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4891

## COUNCIL ON HEALTH REGULATORY BOARDS

† **August 17, 1986 - 3 p.m.** — Open Meeting  
Jefferson-Sheraton Hotel, Franklin and Adams Streets, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The following committees of the Council on Health



# Calendar of Events

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Regulatory Boards will meet on Sunday, August 17, 1986, at 3:00 p.m. (or as announced in advance to committee members and agencies and organizations on the council's public participation guidelines mailing list):

Administration and Budget  
Public and Professional Information and Education  
Legislative Committee  
Compliance and Discipline  
Regulatory Research and Evaluation  
Scope and Standards of Practice  
Executive Committee

Members of the public interested in these committee meetings should contact Richard D. Morrison, Council staff, at 786-0822 prior to the scheduled meeting for room assignments or time changes. These meetings are scheduled in conjunction with the Third Annual Conference on Health Professional Regulation which is being held August 18-19. The conference is for members of the Department of Health Regulatory Boards and staff.

## Regulatory Research and Evaluation Committee

† **September 16, 1986 - 1:30 p.m.** — Open Meeting  
James Monroe Building, Conference Rooms C, D, and E, 101 North 14th Street, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The Virginia Council on Health Regulatory Boards invites comments from the public on the issue of the regulation of social workers employed by public and private nonprofit and certain other organizations. Presently these social workers are exempted from the requirement for licensure under the Code of Virginia, § 54-944 (d) which provides that the requirements for licensure in Chapter 28 shall not be applicable to "Persons employed as salaried employees or volunteers of the federal government, the Commonwealth, a locality, or of any agency established or funded, in whole or part, by any such governmental entity or of a private, nonprofit organization or agency sponsored or funded, in whole or part, by a community-based citizen group or organization." The Board of Social Work has recommended termination of this exemption. This recommendation is under study by the Council on Health Regulatory Boards under the authority granted by § 54-955 of the Code of Virginia. Interested individuals and agencies are invited to submit written comments until 5:00 p.m. on the hearing date. Requests to present oral testimony should be made to Richard D. Morrison, Policy Analyst, Council on Health Regulatory Boards.

**Contact:** Richard D. Morrison, Policy Analyst, Department of Health Regulatory Boards, P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0822

## VIRGINIA BOARD OF HEARING AID DEALERS AND FITTERS

† **September 8, 1986 - 9 a.m.** — Open Meeting  
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) review disciplinary cases; (2) review correspondence; and (iii) administer hearing aid dealer and fitter examination.

**Contact:** Roberta L. Banning, Department of Commerce, 5th Floor, 3600 W. Broad St., Richmond, Va. 23220, telephone (804) 257-8505

## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

**August 6, 1986 - 9 a.m.** — Open Meeting  
James Monroe Building, Conference Room, 9th Floor, 101 North 14th Street, Richmond, Va. ☒

Monthly council meeting. Agenda available on request.

**Contact:** Grace I. Lessner, James Monroe Bldg., 9th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2638

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**September 22, 1986 - 10 a.m.** — Public Hearing  
James Monroe Building, 9th Floor Conference Room, 101 North 14th Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Council of Higher Education for Virginia intends to adopt regulations entitled: **VR 380-01-01. Regulations for the Senior Citizen Higher Education Program.** These regulations will stipulate the requirements under which senior citizens may take courses at Virginia's state-supported institutions of higher education without paying tuition or fees. The Senior Citizens Higher Education Act, as amended in 1984, provides that courses taken for credit are free if a senior citizen has a taxable income of less than \$7,500. Noncredit courses may be taken without charge regardless of income. Effective July 1, 1986, institutions may count these enrollments in their census of full-time equivalent students (FTES).

Statutory Authority: §§ 23-9.6:1 and 23-38.56 of the Code of Virginia.

Written comments may be submitted until September 12, 1986.

**Contact:** Barry M. Dorsey, Associate Director, State Council of Higher Education for Virginia, 101 N. 14th St.,

Richmond, Va. 23219, telephone (804) 225-2632

## STATE HIGHWAY AND TRANSPORTATION BOARD

**August 21, 1986 - 10 a.m. - Open Meeting**  
Department of Highways and Transportation, Annex Building, Board Room, 1401 East Broad Street, Richmond, Virginia. ☒ Interpreter for deaf provided if requested.

Monthly meeting of the State Highway and Transportation Board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval.

**Contact:** Albert W. Coates, Jr., Department of Highways and Transportation, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-9950

## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **August 19, 1986 - 10 a.m. - Open Meeting**  
13 South 13th Street, Richmond, Virginia. ☒

This will be the regular monthly meeting of the Board of Commissioners to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; and (iv) consider such other matters and take such other actions as they 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.

**Contact:** Judson McKellar, Jr., General Counsel, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 786-1986

## STATE INSURANCE ADVISORY BOARD

**September 12, 1986 - 9:30 a.m. - Open Meeting**  
Ninth Street Office Building, Room 209, Conference Room of the Director of the Department of General Services, Richmond, Virginia. ☒

A quarterly meeting of the State Insurance Advisory Board.

**Contact:** Charles F. Scott, Director, Department of General Services, Division of Risk Management, Room 117, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-5968

## STATE LAND EVALUATION ADVISORY COMMITTEE

**August 29, 1986 - 10 a.m. - Open Meeting**  
**September 8, 1986 - 10 a.m. - Open Meeting**  
Department of Taxation, 2220 West Broad Street, Richmond, Virginia. ☒

A meeting to set suggested ranges of values for agricultural, horticultural, forest and open-space land use under the use value assessment program.

**Contact:** Otho C. W. Fraher, Director, Property Tax Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23220, telephone (804) 257-8020

## VIRGINIA STATE LIBRARY BOARD

† **September 15, 1986 - 11 a.m. - Open Meeting**  
Jefferson-Madison Regional Library, The McGuire Room, 2nd and East Jefferson Streets, Charlottesville, Virginia

A regular meeting to discuss administrative matters.

**Contact:** Jean K. Reynolds, Virginia State Library, 11th St. at Capitol Square, Richmond, Va. 23219, telephone (804) 786-2332

## VIRGINIA'S LONG-TERM CARE COUNCIL

**September 16, 1986 - 9:30 a.m. - Open Meeting**  
James Monroe Building, Conference Room E, 101 North 14th Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided if requested)

A meeting to discuss issues relevant to the development and provision of long-term care services in the Commonwealth. The council will also hear a report on the development of a statewide uniform intake, assessment and tracking mechanism for use by all publicly-funded human services agencies.

**Contact:** Catherine Saunders, Staff, Virginia Department for the Aging, 18th Floor, 101 N. 14th St., Richmond, Va. 23219-2797, telephone (804) 225-2271/2912

## VIRGINIA STATE BOARD OF MEDICINE

### Advisory Committee on Acupuncture

† **August 15, 1986 - 2 p.m. - Open Meeting**  
Richmond Marriott, 500 East Broad Street, Richmond, Virginia. ☒

A meeting to conduct general business and discuss

# Calendar of Events

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utilization of acupuncture in private practice.

## Credentials Committee

† September 12, 1986 - 8 a.m. - Open Meeting  
† September 13, 1986 - 8 a.m. - Open Meeting  
Virginia Beach Hilton Inn, Eighth Street and Atlantic Avenue, Virginia Beach, Virginia. ☒

A meeting to conduct general business, interview, and review medical credentials of applicants applying for licensure in Virginia in open and executive session.

Contact: Eugenia K. Dorson, Executive Secretary, 517 W. Grace St., P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0575

## STATE MENTAL HEALTH AND MENTAL RETARDATION BOARD

† August 27, 1986 - 10 a.m. - Open Meeting  
Central Virginia Community Services Board, 2235 Landover Place, Lynchburg, Virginia. ☒

A regular monthly meeting. The agenda will be published August 20 and may be obtained by calling Jane Helfrich.

Contact: Jane V. Helfrich, State Mental Health and Mental Retardation Board Secretary, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3921

## DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

### Forensic Issues Advisory Committee

August 8, 1986 - 10 a.m. - Open Meeting  
Virginia Beach Community Services Board, 2nd Floor Conference Room, Pembroke Six, Suite 218, Virginia Beach, Virginia

A meeting to discuss issues related to the delivery of forensic mental health services at the state hospital and community services board levels.

Contact: Frank Patterson, Office of Forensic Services, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-4837

## VIRGINIA MUSEUM OF FINE ARTS BOARD OF TRUSTEES

### Full Board of Trustees

† September 18, 1986 - 11:30 a.m. - Open Meeting  
Virginia Museum of Fine Arts, Auditorium, Boulevard and Grove Avenue, Richmond, Virginia. ☒

A quarterly meeting to consider committee and staff reports and budget review.

### Accessions Committee

† September 17, 1986 - 2 p.m. - Open Meeting  
Virginia Museum of Fine Arts, Auditorium, Boulevard and Grove Avenue, Richmond, Virginia. ☒

A quarterly meeting to consider gifts and purchases.

### Education in the Arts Committee

† September 30, 1986 - 12 Noon - Open Meeting  
Virginia Museum of Fine Arts, Members' Suite-Payne Room, Boulevard and Grove Avenue, Richmond, Va. ☒

Study of museum by-laws relative to functioning of the education in the arts committee.

### Entertainment Committee

† September 16, 1986 - 3 p.m. - Open Meeting  
Virginia Museum of Fine Arts, Members' Suite, Boulevard and Grove Avenue, Richmond, Virginia. ☒

A meeting to schedule the year's entertainment events with hostesses.

### Executive Committee

† October 16, 1986 - 11:30 a.m. - Open Meeting  
Virginia Museum of Fine Arts, Auditorium, Boulevard and Grove, Richmond, Virginia. ☒

A meeting to consider committee and staff reports and budget review.

### Exhibitions Committee

† October 8, 1986 - 10:30 a.m. - Open Meeting  
Virginia Museum of Fine Arts, Conference Room, Boulevard and Grove Avenue, Richmond, Virginia. ☒

A meeting to review proposed exhibitions for the museum.

## Finance Committee

† **September 18, 1986 - 10:30 a.m.** – Open Meeting  
Virginia Museum of Fine Arts, Members' Suite–Payne  
Room, Richmond, Virginia. ☒

Budget review.

† **October 16, 1986 - 10:30 a.m.** – Open Meeting  
Virginia Museum of Fine Arts, Members' Suite–Payne  
Room, Richmond, Virginia. ☒ BI,02,60, ★ Budget review.

## Programs Committee

† **October 8, 1986 - 12 Noon** – Open Meeting  
Virginia Museum of Fine Arts, Members' Suite–Payne  
Room, Richmond, Virginia. ☒

Study of museum by-laws relative to functioning of the  
programs committee.

**Contact:** Emily C. Robertson, Secretary of the Museum,  
Virginia Museum of Fine Arts, Boulevard and Grove Ave.,  
Richmond, Va. 23221, telephone (804) 257-0553/SCATS  
327-0553

## STATE BOARD OF NURSING

### Task Force for the Study of Definitions of Nursing

**September 11, 1986 - 7 p.m.** – Public Hearing  
General Assembly Building, House Room D, Capitol Square,  
Richmond, Virginia. ☒ (Interpreter for deaf provided if  
requested)

Pursuant to HJR 12 of the 1986 General Assembly, the  
Department of Health Regulatory Boards' Task Force  
for the Study of the Definitions of Nursing will hold a  
public hearing on the need to revise statutory  
definitions of professional nursing practice. The public  
is invited to appear at this hearing to present  
testimony or submit written comments by September  
15, 1986, to Corinne F. Dorsey, Executive Director,  
Virginia State Board of Nursing, P.O. Box 27708,  
Richmond, Virginia, 23261. Additional public hearings  
are scheduled in Wytheville (October 2) and Northern  
Virginia (October 9). Details on these hearings will  
appear in the Virginia Register of Regulations  
commencing with the next issue.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, 517  
W. Grace St., Richmond, Va. 23220, telephone (804)  
786-0377

## VIRGINIA STATE BOARD OF OPTICIANS

**August 12, 1986 - 10 a.m.** – Open Meeting  
Department of Commerce, Travelers Building, Conference  
Room 395, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to review comments from public hearing  
and to adopt final regulations; and to consider general  
correspondence pertinent to the operation of the  
board.

**Contact:** Olliver O. Trumbo, II, Assistant Director,  
Department of Commerce, 3600 W. Broad St., Richmond,  
Va. 23230, telephone (804) 257-5809

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**August 12, 1986 - 9:30 a.m.** – Public Hearing  
Department of Commerce, Travelers Building, Conference  
Room 1, 5th Floor, 3600 West Broad Street, Richmond,  
Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1  
of the Code of Virginia, that the Virginia State Board  
of Opticians intends to amend regulations entitled:  
**Rules and Regulations of the Board of Opticians.**  
The proposed amendment will decrease the license  
renewal fee from \$80 to \$65.

Statutory Authority: § 54-1.28(5) of the Code of Virginia.

Written comments may be submitted until August 8, 1986.

**Contact:** Olliver O. Trumbo, II, Assistant Director,  
Department of Commerce, 3600 W. Broad St., Richmond,  
Va. 23230, telephone (804) 257-8509

## VIRGINIA BOARD OF OPTOMETRY

**August 20, 1986 - 8:30 a.m.** – Open Meeting  
Department of Health Regulatory Boards, Board Room, 517  
West Grace Street, Richmond, Virginia.

General business of the Virginia Board of Optometry.

**Contact:** Moria C. Lux, Executive Director, Virginia Board  
of Optometry, P.O. Box 27708, Richmond, Va. 23261,  
telephone (804) 786-0131

## STATE BOARD OF PHARMACY

**August 5, 1986 - 9 a.m.** – Open Meeting  
Department of Health Regulatory Boards, Board Room, 517  
West Grace Street, Richmond, Virginia

Board meeting.

# Calendar of Events

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† August 13, 1986 - 9 a.m. - Open Meeting  
† August 14, 1986 - 9 a.m. - Open Meeting  
Holiday Inn, Suite 239, 3200 West Broad Street, Richmond, Virginia. ☒

Formal hearing for Arliss R. Culler, Pharmacist, Gray's Pharmacy, 4710 Hampton Boulevard, Norfolk, Virginia.

† August 21, 1986 - 9 a.m. - Open Meeting  
Department of Health Regulatory Boards, Board Room, 517 West Grace Street, Richmond, Virginia. ☒

Formal hearing for Leonard L. Edloe, Pharmacist, Edloe's Pharmacy, 1124 North 25th Street, Richmond, Virginia.

Contact: J. B. Carson, Executive Director, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0182

## BOARD OF COMMISSIONERS TO EXAMINE PILOTS

† September 10, 1986 - 10 a.m. - Open Meeting  
Hasler and Company, 121 Tazewell Street, Norfolk, Virginia

A regular meeting of the board to conduct routine business.

Contact: David E. Dick, 3600 W. Broad St., Richmond, Va. 23220, telephone (804) 257-8515/8563 or William L. Taylor, 3329 Shore Drive, Virginia Beach, Va. 23451, telephone (804) 496-0995

## PRIVATE SECURITY SERVICES ADVISORY BOARD

† August 26, 1986 - 2 p.m. - Open Meeting  
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

The purpose of the meeting is to review the comments received at the public hearing on proposed regulation changes held at 10 a.m. the same day.

Contact: Iva B. Frizzel, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8515/8563

## BOARD OF PROFESSIONAL COUNSELORS

† August 14, 1986 - 10:30 a.m. - Open Meeting  
† August 15, 1986 - 9:00 a.m. - Open Meeting  
Department of Health Regulatory Boards, Board Room, 517 West Grace Street, Richmond, Virginia. ☒

A meeting to (i) conduct general board business; (ii) make policies; (iii) respond to board correspondence; and (iv) review applications.

Contact: Joyce D. Williams, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-7702

## BOARD OF REHABILITATIVE SERVICES

August 29, 1986 - 10 a.m. - Open Meeting  
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A regular meeting of the board to conduct the business of the department.

### Evaluation Committee

August 22, 1986 - 1 p.m. - Open Meeting  
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A meeting to discuss policy and procedures.

### Finance Committee

August 28, 1986 - 3 p.m. - Open Meeting  
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A meeting to discuss budgetary matters.

### Program Committee

August 28, 1986 - 11 a.m. - Open Meeting  
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A meeting to review, discuss and, when appropriate, recommend to the board necessary policies governing the vocational rehabilitation and independent living rehabilitation programs and services administered and coordinated by the Department of Rehabilitative Services.

Contact: Jim Hunter, 4901 Fitzhugh Ave., Richmond, Va. 23220, telephone (804) 257-6446 (toll-free number 1-800-522-5019)

## VIRGINIA RESOURCES AUTHORITY

† August 12, 1986 - 9 a.m. - Mutual Building, Authority Board Room, Suite 305, 909 East Broad Street, Richmond, Virginia. ☒

# Calendar of Events

The board will meet to approve minutes of the July 15, 1986, board meeting; to review the authority's operations for the prior months; and to consider other matters and take other actions as they may deem appropriate. The planned agenda of the meeting will be available at the office of the authority one week prior to the date of the meeting.

**Contact:** Shockley D. Gardner, Jr., Executive Director, P. O. Box 1300, Richmond, Va. 23219, telephone (804) 644-3100

## STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

**August 13, 1986 - 10 a.m. - Open Meeting**  
General Assembly Building, Senate Room A, Capital Square, Richmond, Virginia. ☐

A meeting to hear and render a decision on all Appeals of Denials of On-Site Sewage Disposal System Permits.

**Contact:** P. M. Brooks, Madison Bldg., Room 502, Richmond, Va. 23219, telephone (804) 786-1931

## VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

**August 14, 1986 - 9 a.m. - Open Meeting**  
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☐

The authority will conduct a public hearing to consider Industrial Development Bond applications received by the authority, and for which public notice has appeared in the appropriate newspapers of general circulation. Prior to the public hearing, which starts at 10 a.m., the authority will conduct its regular business meeting.

**Contact:** Nic Walker, Executive Director, Virginia Small Business Financing Authority, 1000 Washington Bldg., Richmond, Va. 23219, telephone (804) 786-3791

## BOARD OF SOCIAL SERVICES

† **August 20, 1986 - (Time to be announced) - Open Meeting**

† **August 21, 1986 - (Time to be announced) - Open Meeting**

Lee-Jackson Motor Inn, 711 Millwood Avenue, Winchester, Virginia. ☐

A work session and formal business meeting.

**Contact:** Phyllis Sisk, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9236

## DEPARTMENT OF SOCIAL SERVICES

**August 8, 1986 - Written 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 Social Services intends to amend regulations entitled: **VR 615-01-10. Job Training Partnership Act (JTPA), Title II, Part A Income Disregard in the Aid to Dependent Children (ADC) Program.** This proposed amendment will disregard children's earnings derived through participation in JTPA, Title II, Part A for six calendar months per year and children's unearned income derived through participation in JTPA, Title II, Part A indefinitely.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until August 8, 1986, to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

**Contact:** Carolyn Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

\* \* \* \* \*

**September 19, 1986 - Written 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 Social Services intends to amend regulations entitled: **VR 615-01-14. Entitlement Date in the General Relief Program.** These regulations specify the first month for which maintenance assistance shall be provided for an individual eligible for General Relief.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until September 19, 1986, to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699

**Contact:** Carolyn Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8600, telephone (804) 281-9046

# Calendar of Events

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## BOARD OF SOCIAL WORK

**August 22, 1986 - 9 a.m. - Open Meeting**  
517 West Grace Street, Richmond, Virginia. ☒

A meeting to (1) conduct general board business; (ii) review applications; (iii) respond to correspondence; and (iv) discuss regulations.

**Contact:** John W. Braymer, Ph.D, Executive Director, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-7703

## DEPARTMENT OF TAXATION

† **October 6, 1986 - 10 a.m. - Public Hearing**  
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of the Virginia that the Department of Taxation intends to amend regulations entitled: VR 630-10-49.2. Innovative High Technology Industries and Research (Retail Sales and Use Tax Regulation). This regulation sets forth the application of the sales and use tax to businesses engaged in high technology production or research.

### STATEMENT

**Basis:** This regulation is issued under the authority granted by § 58.1-203 of the Code of Virginia.

**Purpose:** This regulation sets forth the application of the sales and use tax, including the exemptions for industrial manufacturers and persons engaged in research and development in the experimental or laboratory sense, to businesses engaged in the development and production of innovative high technology products or processes.

**Issues:** Section 58.1-608 of the Code of Virginia provides exemptions from the sales and use tax for certain items used directly in the production of products for sales or resale "in the industrial sense" and for any item or tangible personal property used directly and exclusively in basic research or research and development in the experimental or laboratory sense. For tangible personal property developed and sold at retail as the result of such production or research, the sales tax will be generally applicable, with certain exceptions noted in §§ 58.1-602 and 58.1-608 of the Code of Virginia. Such exceptions include custom computer programs, which are not defined as tangible personal property; labor or service charges in connection with the modification of prewritten computer programs, which are excluded from the definition of "sales price," upon which the tax is computed; and an exemption for transactions where the "true object" of the purchaser is the services rendered by the seller and not the property furnished along with the service. Purely service transactions are excluded from the sales and use tax base

found in §§ 58.1-603 and 58.1-604.

**Substance:** Applying the above statutory authorities, this regulation sets forth the availability in general of the industrial manufacturing and research and development exemptions to businesses engaged in innovative high technology production and developmental activities. Specifically addressed is the application of the tax to firms engaged in the following fields: computer software, information technology, biotechnology, computer aided engineering, and materials sciences. The regulation also addresses the applicability of the tax to sales by such businesses, including sales of services, tangible personal property, or a combination of the two.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until October 6, 1986.

**Contact:** Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

## VIRGINIA DEPARTMENT FOR THE VISUALLY HANDICAPPED

† **August 19, 1986 - 3-5 p.m. - Open Meeting**  
† **August 19, 1986 - 7-9 p.m. - Open Meeting**  
Rehabilitation Center for the Blind, 401 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

Commissioner John A. McCann invites the comments of all interested parties regarding the services, priorities, and mission of the Virginia Department for the Visually Handicapped. Comments are especially sought from blind individuals, their families, and advocacy groups of or for the blind.

**Contact:** Joseph A. Bowman, Virginia Department for the Visually Handicapped, 1809 Staples Mill Rd., Richmond, Va. 23230, telephone and (VOICE/TDD) (804) 257-0030

† **August 21, 1986 - 4-6 p.m. - Open Meeting**  
† **August 21, 1986 - 7-9 p.m. - Open Meeting**  
Arlington County Central Library, 1015 North Quincy, Arlington, Virginia. ☒ (Interpreter for deaf provided if requested)

Commissioner John A. McCann invites the comments of all interested parties regarding the services, priorities, and mission of the Virginia Department for the Visually Handicapped. Comments are especially sought from blind individuals, their families, and advocacy groups of or for the blind.

**Contact:** Ronald W. Carlisle, Virginia Department for the Visually Handicapped, 2300 S. 9th St., Suite 203, Arlington, Va. 22204-2376, telephone and (VOICE/TDD) (703) 979-3415

## Calendar of Events

† August 26, 1986 - 3-5 p.m. - Open Meeting  
† August 26, 1986 - 7-9 p.m. - Open Meeting  
Virginia Department of Health, 401 Colley Avenue, Norfolk, Virginia. ☒ (Interpreter for deaf provided if requested)

Commissioner John A. McCann invites the comments of all interested parties regarding the services, priorities, and mission of the Virginia Department for the Visually Handicapped. Comments are especially sought from blind individuals, their families, and advocacy groups of or for the blind.

Contact: Michael W. Scione, Virginia Department for the Visually Handicapped, Holiday Inn-Waterside Area-Downtown, 700 Monticello Avenue, Suite 403, Norfolk, Va, 23510-2598, telephone and (VOICE/TDD (804) 623-8003)

† August 28, 1986 - 3-5 p.m. - Open Meeting  
† August 28, 1986 - 7-9 p.m. - Open Meeting  
First Baptist Church, 301 South Wayne Avenue, Waynesboro, Virginia. ☒ (Interpreter for deaf provided if requested)

Commissioner John A. McCann invites the comments of all interested parties regarding the services, priorities, and mission of the Virginia Department for the Visually Handicapped. Comments are especially sought from blind individuals, their families, and advocacy groups of or for the blind.

Contact: Michael D. Burton, Virginia Department for the Visually Handicapped, King Plaza West, 1320 R Ohio St., Waynesboro, Va. 22980, telephone and (VOICE/TDD (703) 949-6178)

† October 15, 1986 - 3-5 p.m. - Open Meeting  
† October 15, 1986 - 7-9 p.m. - Open Meeting  
Medical Foundation of Roanoke, 3000 Keagy Road, Salem, Virginia. ☒ (Interpreter for deaf provided if requested)

Commissioner John A. McCann invites the comments of all interested parties regarding the services, priorities, and mission of the Virginia Department for the Visually Handicapped. Comments are especially sought from blind individuals, their families, and advocacy groups of or for the blind.

Contact: Donald L. Cox, Virginia Department for the Visually Handicapped, Commonwealth of Virginia Bldg., 210 Church Ave., SW, Room B50, Roanoke, Va., 24011, telephone and (VOICE/TDD (703) 982-7122)

† October 16, 1986 - 3-5 p.m. - Open Meeting  
† October 16, 1986 - 7-9 p.m. - Open Meeting  
Southwest Region Office, Department of Social Services, 190 Patton Street, Abingdon, Virginia. ☒ (Interpreter for deaf provided if requested)

Commissioner John A. McCann invites the comments of all interested parties regarding the services, priorities, and mission of the Virginia Department for

the Visually Handicapped. Comments are especially sought from blind individuals, their families, and advocacy groups of or for the blind.

Contact: Richard Fanis, Virginia Department for the Visually Handicapped, 111 Commonwealth Ave., Bristol, Va. 24201, telephone and (VOICE/TDD (804) 669-0114)

### VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

August 13, 1986 - 1 p.m. - Open Meeting  
August 14, 1986 - 8 a.m. - Open Meeting  
Sheraton Airport Inn, 4700 South Laburnum Avenue, Richmond, Virginia. ☒

General session; revise bylaws, establish future meeting dates; and plan activities for 1986-87.

Business session; receive reports on council activities and information on vocational education in school divisions and community colleges.

Contact: George S. Orr, Jr., Executive Director, P.O. Box U, Blacksburg, Va. 24060, telephone (703) 961-6945

### STATE WATER CONTROL BOARD

August 11, 1986 - 7 p.m. - Open Meeting  
Prince William County Complex, McCourt Building Board Room, 4850 Davis Fork Road, Woodbridge, Virginia  
August 18, 1986 - 7 p.m. - Open Meeting  
Roanoke City Council Chambers, 215 Church Avenue, Roanoke, Virginia. ☒  
August 20, 1986 - 7 p.m. - Open Meeting  
Williamsburg/James City Courthouse, Council Chambers, 321-45 Court Street, Williamsburg, Virginia. ☒

The Water Quality Standards, as required by state and federal law, are reviewed every three years. As part of the review that is now underway, a series of public meetings will be held around the Commonwealth. The purpose of these meetings is to receive comments and suggestions on our standards program. These comments will be used in proposing specific changes in standards that will be considered at hearings in early 1987.

Contact: Stuart Wilson, Water Resources Ecologist, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-0387

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August 11, 1986 - 7 p.m. - Public Hearing  
Prince William County Complex, 4850 Davis Ford Road, Woodbridge, Virginia



# Calendar of Events

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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 amend regulations entitled: **Water Quality Standards, Section 4 - Basin and Section Description Tables, Potomac River Subbasin, Section 5.** Quantico Bight would be excluded from Section 5 and established as a new section 5C, Class II waters, with no special standards.

Statutory Authority: § 62.1-44.15(3a) of the Code of Virginia.

Written comments may be submitted until August 21, 1986.

Contact: Stuart Wilson, Water Resources Ecologist, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-0387

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**September 11, 1986 - 7 p.m. – Public Hearing**  
Henry County Administration Building, Board Meeting Room, Kings Mountain Road, Collinsville, Virginia.

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 amend regulations entitled: **VR 680-16-02. Roanoke River Basin Water Quality Management Plan.** This will be a revision of poundage limits on the Upper and Lower Segments of the Smith River so as to allow for construction of the proposed sewage treatment plant being proposed by the Henry County Public Service Authority.

Statutory Authority: § 62.1-44.15 of the Code of Virginia.

Written comments may be submitted until September 18, 1986.

Contact: Doneva Dalton, Court Reporter, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6829

## COLLEGE OF WILLIAM AND MARY

### Board of Visitors

**August 22, 1986 - 8 a.m. – Open Meeting**  
Richard Bland College, Student Center, Petersburg, Virginia

A meeting of the Board of Visitors of the College of William and Mary called by the Rector of the college to review contracts, budget considerations, and any other matters presented by the administrations of William and Mary and Richard Bland College. An informational release will be available four days prior to the board meeting for those individuals or organizations who request it.

Contact: Office of University Relations, James Blair Hall, Room 308, College of William and Mary, Williamsburg, Va. 23185, telephone (804) 253-4226

## LEGISLATIVE

### THE VIRGINIA ALCOHOL SAFETY ACTION PROGRAM COMMISSION

**August 15, 1986 - 2 p.m. – Open Meeting**  
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia ☒

An organizational meeting of the Commission on the Virginia Alcohol Safety Action Program (VASAP) (H.B. 393)

Contact: Oscar Brinson, Staff Attorney, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

### VIRGINIA CODE COMMISSION

**August 27, 1986 - 10 a.m. – Open Meeting**  
General Assembly Building, Speaker's Conference Room, 6th Floor, Capitol Square, Richmond, Virginia. ☒

The Commission will continue with the Revision of Title 29.

Contact: Joan W. Smith, Registrar of Regulations, Virginia Code Commission, General Assembly Bldg., 2nd Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-3591

### JOINT SUBCOMMITTEE STUDYING ELECTION LAWS

**August 12, 1986, - 10 a.m. – Public Hearing**  
General Assembly Building, Senate Room A, Capitol Square, Richmond, Virginia. ☒

The subcommittee will consider matters carried over from its 1985 study (involving nomination and primary process), carry-over bills involving election laws and various other election law changes. (SJR 26)

Additional information may be obtained from: Robert F. Douth, Deputy Clerk, Senate of Virginia, P.O. Box 396, Richmond, Virginia 23203, telephone (804) 786-4638.

Contact: Those persons wishing to speak should contact:

Dr. Jack Austin, Research Associate, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## **SPECIAL SUBCOMMITTEE STUDYING THE REGULATION OF FINANCIAL PLANNERS**

† **September 17, 1986 - 10 a.m.** – Open Meeting  
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☒

An organizational meeting to discuss whether financial planners should be regulated and if so, to what extent.

**Contact:** C. William Cramme', III, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 2nd Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-3591

## **SUBCOMMITTEE STUDYING THE PURCHASE OF FOREIGN COAL BY ELECTRIC UTILITIES**

† **August 21, 1986 - 2 p.m.** – Open Meeting  
General Assembly Building, House Room C, Richmond, Virginia. ☒

A meeting to discuss utilities' right to recover costs for purchasing coal outside of the Commonwealth.

**Contact:** C. William Cramme', III, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 2nd Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-3591

## **HOUSE APPROPRIATIONS, HOUSE FINANCE AND SENATE FINANCE (JOINT MEETING)**

**August 22, 1986 - 9:30 a.m.** – Open Meeting  
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☒

Summary of Fiscal Year End Revenue Collections.

**Contact:** Donna C. Johnson, House Appropriations Committee, General Assembly Bldg., 9th Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-1837

## **SUBCOMMITTEE STUDYING THE NEED TO ESTABLISH A RETENTION SCHEDULE FOR COURT RECORDS**

**August 15, 1986 - 10 a.m.** – Open Meeting

General Assembly Building, House Room C, Capitol Square, Richmond, Virginia ☒

An organizational meeting of the Subcommittee to hear from the State Library and court clerks on problems relating to retention of court records. (HJR 69)

**Contact:** Oscar Brinson, Staff Attorney, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## **JOINT SUBCOMMITTEE STUDYING THE COMMONWEALTH'S SPENDING AND SUPPORT FOR PROMOTING TOURISM**

**August 22, 1986 - 2 p.m.** – Open Meeting  
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☒

Organizational meeting and overview of programs and organization of the Division of Tourism. (HJR 13)

**Contact:** Donna C. Johnson, House Appropriations Committee, General Assembly Building, 9th Floor, Capitol Square, Richmond, Va. 23219, (804) 786-1837

## **SUBCOMMITTEE STUDYING VIRGINIA'S TRAUMA CARE SYSTEM**

† **August 4, 1986 - 10 a.m.** – Open Meeting  
Tidewater Emergency Medical Services Council, 855 West Brambleton Avenue, Norfolk, Virginia

Field trip to view urban emergency medical system and, also, to receive presentations from EMS personnel from rural areas with unmet needs.

**Contact:** Norma Szakal, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 2nd Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-3591,

## **COMMISSION ON VETERANS' AFFAIRS**

† **August 23, 1986 - 10 a.m.** – Open Meeting  
Buckingham County Agricultural Center, Auditorium, Route 60, Buckingham Court House, Virginia

The Commission will take testimony concerning the possible creation of a State Veterans' Cemetery in Buckingham County and will consider any other veteran-related matters which speakers wish to bring to the attention of the General Assembly.

# Calendar of Events

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Contact: Alan Wambold, Research Associate, Division of Legislative Services, Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### August 4

- † Trauma Care System, Subcommittee Studying Virginia's

#### August 5

- Pharmacy, State Board of

#### August 6

- Higher Education for Virginia, State Council of

#### August 7

- † Air Pollution Control Board, State

#### August 8

- Children's Residential Facilities, Interdepartmental Licensure and Certification of
  - Coordinating Committee
- † Funeral Directors and Embalmers, Board of Mental Health and Mental Retardation, Department of
  - Forensic Issues Advisory Committee

#### August 9

- † Funeral Directors and Embalmers, Board of

#### August 11

- Accountancy, State Board of
- Water Control Board, State

#### August 12

- † Governor's Advisory Board on Child Abuse and Neglect,
  - Prevention Subcommittee
- Opticians, Virginia State Board of
- † Resources Authority, Virginia

#### August 13

- Aviation Board, Virginia
- Aviation, Department of
- Corrections, Board of
- † Pharmacy, State Board of
- Sewage Handling and Disposal Appeals Review Board, State
- Vocational Education, Virginia Council on

#### August 14

- Aviation, Department of
- † Pharmacy, State Board of
- † Professional Counselors, Virginia Board of
- Small Business Financing Authority, Virginia
- Vocational Education, Virginia Council on

#### August 15

- Alcohol Safety Action Program Commission, Virginia
- Aviation, Department of
- Need to Establish Retention Schedule for Court Records, Subcommittee Studying
- † Medicine, Virginia State Board of
  - Advising Committee on Acupuncture
- † Professional Counselors, Virginia Board of

#### August 17

- † Health Regulatory Boards, Council on

#### August 18

- Cosmetology, Virginia Board of
- Water Control Board, State

#### August 19

- † Housing Development Authority, Virginia
- † Visually Handicapped, Virginia Department for the

#### August 20

- † Funeral Directors and Embalmers, Virginia Board of
- Optometry, Virginia Board of
- † Social Services, State Board of
- Water Control Board, State

#### August 21

- † Foreign Coal by Electric Utilities, House Subcommittee Studying the Purchase of
- † Funeral Directors and Embalmers, Virginia Board of
- Highway and Transportation Board, State
- † Pharmacy, State Board of
- † Social Services, State Board of
- † Visually Handicapped, Virginia Department of

#### August 22

- College of William and Mary, Board of Visitors
- † Game and Inland Fisheries, Commission of
- House Appropriations, House Finance and Senate Finance (Joint Meeting)
- Rehabilitative Services, Board of
  - Evaluation Committee
- Social Work, Board of
- Spending and Support for Promoting Tourism, Joint Subcommittee Studying the Commonwealth's

#### August 23

- † Veterans' Affairs, Commission on

#### August 26

- Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects
  - State Board of Architects
- † Private Security Services Advisory Board
- † Visually Handicapped, Virginia Department for the

# Calendar of Events

## August 27

Code Commission, Virginia  
Health Service Cost Review Council, Virginia  
† Mental Health and Mental Retardation Board, State

## August 28

Rehabilitative Services, Board of  
- Finance Committee  
- Program Committee  
† Visually Handicapped, Virginia Department for the

## August 29

Land Evaluation Advisory Committee, State  
Rehabilitative Services, Board of

## September 3

† Criminal Justice Services Board  
- Committee on Training

## September 5

General Services, Department of  
- Division of Consolidated Laboratory Services  
Advisory Board

## September 8

† Hearing Aid Dealers and Fitters, Virginia Board of  
Land Evaluation Advisory Committee, State

## September 10

† Geology, Virginia Board of  
† Pilots, Board of Commissioners to Examine

## September 11

Nursing, State Board of  
- Task Force for the Study of the Definitions of  
Nursing

## September 12

† Architects, Professional Engineers, Land Surveyors  
and Certified Landscape Architects  
Insurance Advisory Board, State  
† Medicine, Virginia State Board of  
- Credentials Committee

## September 13

General Services, Department of  
- Art and Architectural Review Board  
† Medicine, Virginia State Board of  
- Credentials Committee

## September 15

† Library Board, Virginia State

## September 16

† Health Regulatory Boards, Virginia Council of  
- Regulatory Research and Evaluation Committee  
Long-Term Care Council, Virginia's  
† Museum of Fine Arts, Virginia  
- Entertainment Committee of the Board of Trustees

## September 17

† Aging, Governor's Advisory Board on  
Corrections, Board of  
† Financial Planners, Special Subcommittee Studying  
the Regulations of  
† Museum of Fine Arts, Virginia  
- Accessions Committee of the Board of Trustees

## September 18

† Aging, Governor's Advisory Board on  
† Museum of Fine Arts, Virginia  
- Finance Committee of the Board of Trustees  
- Full Board of Trustees

## September 19

† Aging, Governor's Advisory Board on

## September 25

† Efficiency in Government, Governor's Commission  
on

## September 30

† Museum of Fine Arts, Virginia  
- Education in the Arts Committee of the Board of  
Trustees

## October 8

Museum of Fine Arts  
- Exhibitions Committee of the Board of Trustees  
- Programs Committee of the Board of Trustees

## October 15

Efficiency in Government, Governor's Commission on  
† Visually Handicapped, Virginia Department for the

## October 16

Museum of Fine Arts, Virginia  
- Executive Committee  
- Finance Committee of the Board of Trustees  
† Visually Handicapped, Virginia Department for the

## November 18

Efficiency in Government, Governor's Commission on

## PUBLIC HEARINGS

### August 11

Accountancy, State Board of  
Water Control Board, State

### August 12

Election Laws, Joint Subcommittee Studying  
Opticians, Virginia State Board of

### August 26

Commerce, Department of  
Health, Department of  
- Bureau of Pharmacy Services

### September 3

# Calendar of Events

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Education Assistance Authority, State

**September 11**

Nursing, State Board of  
- Task Force for the Study of Definitions of Nursing  
Water Control Board, State

**September 17**

Commerce, Department of

**September 19**

Health Coordinating Council, Virginia Statewide

**September 22**

Agriculture and Consumer Services, Department of  
Higher Education for Virginia, State Council of

**September 23**

Alcoholic Beverage Control, Department of

**October 6**

† Taxation, Department of

**October 15**

† Health, Department of  
- Division of Water Programs

**October 28**

† Education, Department of

**December 17**

Efficiency in Government, Governor's Commission on