**VIRGINIA CREDIT UNION LEAGUE**

**LEGISLATIVE SUMMARY**

**JUNE 10, 2020**

1. **VIRGINIA GENERAL ASSEMBLY**
2. **Legislation that Passed (all effective July 1, 2020 unless otherwise noted)**
3. [**HB 10**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BHB10&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=5YVhRu2sx92ccqfoi_amjW0v3YCdPuI8tPkIuyfvqmQ&e=)**Student loans; licensing of qualified education loan servicers, civil penalties, report.**

*Chief patron:*Simon

*Patrons:* Simon, Hurst, Price, Keam and Levine; Senator: Howell

*Summary as enacted with Governor's Recommendations:*

**Qualified education loan servicers.** Prohibits any person from acting as a qualified education loan servicer except in accordance with provisions established by this bill. The bill requires a loan servicer to obtain a license from the State Corporation Commission (SCC) and establishes procedures pertaining to such licenses. Banks, savings institutions, **credit unions**, nonprofit institutions of higher education, and farm credit systems **are exempt** from the licensing provisions. This bill is identical to SB 77.

04/22/20 House: Enacted, Chapter 1198 (effective - see bill)
04/22/20 Governor: Acts of Assembly Chapter text (CHAP1198)

**NOTE**: *We tracked this bill to ensure no amendments that would bring in credit unions*.

1. [**HB 155**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BHB155&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=8RlkMK9yTJm4nvVo7A5mkLWEKWuSkDv0Zzl7urzevQY&e=)**Banks; trust subsidiaries.**

*Chief patron:*Sickles

*Summary as introduced:*
**Banks; trust subsidiaries.** Establishes a mechanism by which a subsidiary bank of a Virginia bank holding company that holds trust powers may be substituted in every fiduciary capacity for a trust subsidiary under common ownership with that bank.

03/10/20 Governor: Approved by Governor-Chapter 239 (effective 7/1/20)
03/10/20 Governor: Acts of Assembly Chapter text (CHAP0239)

1. [**HB 340**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BHB340&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=4dBv1v1HCw8tVc-3XLiQQVm2NyXT4BqV6JLr1fqa-FQ&e=)**Emergency laws; civil relief, citizens of the Commonwealth furloughed.**

*Chief patron:*Price

*Patrons:* Price, Adams, D.M., Bagby, Delaney, Helmer, Hope, Jenkins, Keam, Kory, Krizek, Lindsey, Rasoul, Roem, Simon and Willett

*Summary as enacted with Governor's Recommendations:*

**Emergency laws; civil relief; citizens of the Commonwealth furloughed or otherwise not receiving wages or payments due to closure of the federal government or declaration of Emergency by the Governor.**Provides a 60-day stay of an unlawful detainer for nonpayment of rent for tenants and a 30-day stay of foreclosure proceedings for homeowners of, and owners who rent to a tenant, a one-family to four-family residential dwelling unit who request a stay and provide written proof, defined in the bill, that they are (i) an employee of the United States government, (ii) an independent contractor for the United States government, or (iii) an employee of a company under contract with the United States government who was furloughed or was or is otherwise not receiving wages or payments as a result of a closure of the United States government, defined in the bill. The bill requires homeowners and owners who rent to a tenant a one-family to four-family residential dwelling unit to request such stay of foreclosure proceedings within 90 days of a closure of the United States government or 90 days following the end of such closure, whichever is later. The bill also expands the available relief to any tenant, homeowner, or owner affected by the novel coronavirus (COVID-19) pandemic public health crisis during the period for which the Governor has declared a state of emergency (the Emergency). The bill contains an emergency clause and provides that the expanded relief provisions shall expire 90 days following the end of the Emergency.

04/22/20 House: Enacted, Chapter 1202 (effective 4/22/20)
04/22/20 Governor: Acts of Assembly Chapter text (CHAP1202)

**NOTE**: *This legislation is narrow in scope, applying generally to government employees or contractors or those affected by a Governor’s declaration of an emergency. It could affect a credit union if it has a secured interest in the residence affected by this statute if the credit union pursues foreclosure*.

1. [**HB 509**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BHB509&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=Uo3dX_vcaNYA26p810lu_5f70AJ54Oq_ugmICSajbik&e=)**Security freezes; fees.**

*Chief patron:*Bulova

*Patrons:* Bulova, Rasoul, Kory and Levine

*Summary as introduced:*

**Security freezes on credit reports; fees.**Prohibits a credit reporting agency from requiring a consumer to pay a fee to place a security freeze on the consumer's credit report. Currently, a consumer may be required to pay a fee of no more than $5 to place a security freeze on his credit report. Victims of identity theft are currently exempt from the fee.

03/10/20 Governor: Approved by Governor-Chapter 243 (effective 7/1/20)
03/10/20 Governor: Acts of Assembly Chapter text (CHAP0243)

5. [**HB 743**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BHB743&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=3Arbo9vB8lVYs0LXKYvcWDzqmoh3l8axPF7SXTb5C1E&e=)**Higher educational institutions; qualified education loans, providers of private education loans.**

*Chief patron:*Bulova

*Patrons:* Bulova and Samirah

*Summary as passed:*

**Private student loan providers; certain disclosures.** Requires any provider of private education loans to disclose to any student attending an institution of higher education in the Commonwealth, prior to issuing a qualified education loan to such student, the contact information for the Office of the Qualified Education Loan Ombudsman and a summary of the student loan information applicable to private education loans that may be found on the State Council of Higher Education's website. The bill provides that any such disclosure may be made in conjunction with or incorporated into another disclosure to such student prior to issuing the qualified education loan. The bill requires the summary to be developed by the Office of the Qualified Education Loan Ombudsman in consultation with relevant stakeholders. The bill has a delayed effective date of July 1, 2021.

03/23/20 Governor: Approved by Governor-Chapter 436 (effective 7/1/21)
03/23/20 Governor: Acts of Assembly Chapter text (CHAP0436)

6. [**HB 789**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BHB789&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=rzz7In5fldVdm8_LLWLa9o8QDXZm2J1R8UjjJz9hnhw&e=)**Consumer lending; replaces references to payday loans with term "short-term loans."**

*Chief patron:*Bagby

*Patrons:* Bagby, Bourne, Levine, Rasoul, Ward, Aird, Askew, Ayala, Bulova, Carr, Cole, J.G., Delaney, Gooditis, Guy, Guzman, Hayes, Helmer, Heretick, Herring, Hope, Hurst, Jenkins, Keam, Kory, Krizek, Lopez, McQuinn, Mugler, Mullin, Murphy, Plum, Price, Roem, Samirah, Scott, Simon, Simonds, Subramanyam, Torian, Tran, Tyler, VanValkenburg and Willett

*Summary as enacted with Governor's Recommendations:*

**Consumer lending.** Replaces references to payday loans with the term "short-term loans." **The measure caps the interest and fees that may be charged under a short-term loan at an annual rate of 36 percent, plus a maintenance fee; increases the maximum amount of such loans from $500 to $2,500; and sets the duration of such loans at a minimum of four months, subject to exceptions, and a maximum of 24 months**. Short-term loan licensees are required to make a reasonable attempt to verify a borrower's income and may not collect fees and charges that exceed 50 percent of the original loan amount if such amount is equal to or less than $1,500 and 60 percent of the original loan amount if such amount is greater than $1,500. The measure amends the requirements for motor vehicle title loans, including requiring licensed lenders to use a database to determine a prospective borrower's eligibility for a loan and prohibiting loans to a borrower who has an outstanding short-term loan. **The measure sets a 36-percent annual interest rate cap on open-end credit plans and allows a $50 annual participation fee, but specifically excludes banks and credit unions.** A violation of these provisions is made a prohibited practice under the Virginia Consumer Protection Act. The measure amends provisions of the Consumer Finance Act to, among other things, allow licensed lenders to use the services of access partners and establish requirements that loans be between $300 and $35,000; be repayable in substantially equal installment payments; have a term of no fewer than six and no more than 120 months; charge not more than 36 percent annual interest and a loan processing fee; and require licensees to post a bond. The measure prohibits credit service businesses from advertising, offering, or performing other services in connection with an extension of credit that has an annual interest rate exceeding 36 percent, is for less than $5,000, has a term of less than one year, or is provided under an open-end credit plan. The bill has a delayed effective date of January 1, 2021, and requires any person who would be required to be licensed under the provisions of the act to apply for a license by October 1, 2020. This bill is identical to SB 421 (Sen. Locke of Hampton).

04/22/20 House: Enacted, Chapter 1215 (effective - see bill)
04/22/20 Governor: Acts of Assembly Chapter text (CHAP1215)

**Note**: *This measure, which the League supported, passed the House (65 to 33) and the Senate (28-12) by comfortable margins and reins in payday lenders and motor vehicle title lenders from charging exorbitant interest rates. Credit unions and banks are specifically exempted from the open end credit provisions of this bill.*

7. [**HB 813**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BHB813&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=liT9yqvk5tP96XhlOdYLeCFKlgzVr8awift6TJeshJg&e=)**Credit unions; board of directors compensation.**

*Chief patron:*Ward

*Patrons:* Ward and Scott

*Summary.*

**Credit unions; director compensation.** Provides that compensation of members of a credit union's board of directors and members of the credit and supervisory committees shall be determined by a written policy approved by the board of directors, provided that annual compensation for an individual member does not exceed $6,000. The measure removes the existing prohibition on compensating members of a credit union's board of directors for services as a member of the board. This bill is identical to SB 296 (Sen. Marsden of Fairfax).

03/10/20 Governor: Approved by Governor-Chapter 262 (effective 7/1/20)
03/10/20 Governor: Acts of Assembly Chapter text (CHAP0262)

**NOTE**: *These identical bills passed unanimously and were our top legislative priority*. *If your credit union is interested in taking advantage of this legislation, which takes effect July 1, remember that a written policy must be adopted and should not be in conflict with your bylaws*! *The League has drafted a sample policy and standard bylaws that you may refer to for guidance.*

8. [**HB 827**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BHB827&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=SDaMFWKO7xwP7quUL5LADI8RAsOHOIl_JoSmBfKH2MM&e=)**Virginia Human Rights Act; unlawful discrimination on the basis of pregnancy, childbirth.**

*Chief patron:*Carroll Foy

*Patrons:* Carroll Foy, Ayala, Convirs-Fowler, Levine, McQuinn, Tran, Tyler and Ward

*Summary as passed:*

**Virginia Human Rights Act; discrimination on the basis of pregnancy, childbirth, or related medical conditions; reasonable accommodation for the known limitations of persons related to pregnancy, childbirth, or related medical conditions.** Requires employers, defined in the bill, to make reasonable accommodation for the known limitations of a person related to pregnancy, childbirth, or related medical conditions, if such accommodation is necessary to assist such person in performing a particular job, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer. The bill also prohibits employers from taking any adverse action against an employee who requests or uses a reasonable accommodation and from denying employment or promotion opportunities to an otherwise qualified applicant or employee because such employer will be required to make reasonable accommodation to the applicant or employee. The bill creates a cause of action against any employer who denies any of the rights afforded by the bill and permits the court or jury to award compensatory damages, back pay, and other equitable relief. The bill contains technical amendments and is identical to SB 712 (Sen. McClellan of Richmond).

04/11/20 Governor: Approved by Governor-Chapter 1138 (effective 7/1/20)
04/11/20 Governor: Acts of Assembly Chapter text (CHAP1138)

9. [**HB 887**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BHB887&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=gOOEaC797ck9iO8tMSwmjoWcs2q6dTUPywgvfolaK-E&e=)**ABLE savings trust agreement; Medicaid clawback prohibition.**

*Chief patron:*Filler-Corn

*Patrons:* Filler-Corn, Keam and Murphy

*Summary as introduced:*
**ABLE savings trust agreement; Medicaid clawback prohibition.** Provides that the beneficiary of an ABLE savings trust account may appoint a survivor. In the event of the beneficiary's death, the survivor becomes the new beneficiary of the account if he is eligible under federal law to be a beneficiary of an ABLE savings trust account. The bill provides that if the survivor is ineligible, then any proceeds remaining in the account are distributed to the survivor and the account is closed. Under current law, if the beneficiary of an ABLE savings trust account dies, his state of residence becomes a creditor of the account and may seek payment under federal law for Medicaid benefits provided to the beneficiary while he was alive. The bill prohibits the Commonwealth from seeking estate recovery or payment from the proceeds of the deceased beneficiary's account for benefits provided to him.

04/09/20 Governor: Approved by Governor-Chapter 923 (effective 7/1/20)
04/09/20 Governor: Acts of Assembly Chapter text (CHAP0923)

10. [**HB 1411**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BHB1411&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=4MCZAtJbRXu8qqUmZDyZfgeBUcd7PPYQJXGIT9kfAkk&e=)**Fiduciaries; good faith reliance on certificate of qualification of a personal representative.**

*Chief patron:*Leftwich

*Patrons:* Leftwich and Krizek

*Summary as passed:*

**Fiduciaries; good faith reliance on certificate of qualification.** Provides that any individual or entity, such as a credit union, conducting business in good faith with a personal representative who presents a currently effective certificate of qualification may presume that the personal representative is properly authorized to act as to any matter or transaction. The bill further provides that if such individual or entity refuses to accept a certificate of qualification for a personal representative or a guardian or conservator who has been appointed for an incapacitated person, such individual or entity is subject to (i) a court order mandating acceptance of the certificate of qualification and (ii) liability for reasonable attorney fees and costs incurred in any action or proceeding that confirms the validity of the certificate of qualification or mandates acceptance of the certificate of qualification. The bill further provides that any individual or entity shall either accept or reject a certificate of qualification of such personal representative or such guardian or conservator no later than seven business days after presentation of such certificate. The bill specifies certain circumstances under which an individual or entity is not required to accept such a certificate for a transaction.

04/06/20 Governor: Approved by Governor-Chapter 702 (effective 7/1/20)
04/06/20 Governor: Acts of Assembly Chapter text (CHAP0702)

**NOTE**: *Bills such as this one typically arise from a constituent complaint to a legislator—in this instance, a situation probably arose when a fiduciary such as an executor or administrator of a decedent’s estate was unhappy when a financial institution did not readily accept the fiduciary’s court appointment to act on behalf of an estate. Note the penalties now imposed for failure to act within seven (7) and payment of the fiduciary’s legal fees.*

11. [**HB 1511**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BHB1511&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=AeQZ2oz7TkKhtyS4SvyFrsCrwlmaSGLI_q9xTZ_JMW8&e=)**Towing fees; raises to $30 additional fee that can be charged for towing a vehicle at night, etc.**

*Chief patron:*McQuinn

*Summary as introduced:*
**Towing fees.** The bill raises from $25 to $30 the additional fee that can be charged for towing a vehicle at night, on weekends, or on a holiday. The bill requires localities in Planning District 8 and Planning District 16 to set such additional fee at between $25 and $30. Current law requires such localities to set such additional fee at $25.

03/02/20 Governor: Approved by Governor-Chapter 31 (effective 7/1/20)
03/02/20 Governor: Acts of Assembly Chapter text (CHAP0031)

**NOTE:** *This legislation is relevant because towing charges take precedent over liens on motor vehicles to secure loans for motor vehicle purchases. This increase, which narrowly passed the General Assembly, applies only to Northern Virginia region (PDC 8) and the Counties of King George, Caroline, Spotsylvania and Stafford (PDC 16).*

12. [**SB 7**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BSB7&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=mqoZJ8pJYFiiWtQWtu-arAkBPOdpUTE3I6JJCIP-tok&e=)**Minimum wage; increases to $9.50 per hour effective May 1, 2021.**

*Chief patron:*Saslaw

*Patrons:* Saslaw, Locke, Marsden, Morrissey, Bell, Boysko, Ebbin and Favola; Delegate: Kory

*Summary as enacted with Governor's Recommendations:*

**Minimum wage.**Increases the minimum wage from its current federally mandated level of $7.25 per hour to $9.50 per hour effective May 1, 2021; to $11.00 per hour effective January 1, 2022; to $12.00 per hour effective January 1, 2023; to $13.50 per hour effective January 1, 2025; and to $15.00 per hour effective January 1, 2026. For January 1, 2027, and thereafter, the annual minimum wage shall be adjusted to reflect increases in the consumer price index. The measure provides that the increases scheduled for 2025 and 2026 will not become effective unless reenacted by the General Assembly prior to July 1, 2024. If such provisions are not reenacted prior to July 1, 2024, then the annual minimum wage will be adjusted to reflect increases in the consumer price index beginning January 1, 2025. The measure creates a training wage at 75 percent of the minimum wage for employees in on-the-job training programs lasting less than 90 days. The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the Fair Labor Standards Act; persons employed in domestic service or in or about a private home; persons who normally work and are paid on the amount of work done; persons with intellectual or physical disabilities except those whose employment is covered by a special certificate issued by the U.S. Secretary of Labor; persons employed by an employer who does not employ four or more persons at any one time; and persons who are less than 18 years of age and who are under the jurisdiction of a juvenile and domestic relations district court. This bill is identical to HB 395.

04/22/20 House: Enacted, Chapter 1242 (effective 7/1/20)
04/22/20 Governor: Acts of Assembly Chapter text (CHAP1242)

13. [**SB 78**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BSB78&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=a3Icea-gCiGoOnwsP9vaqH2bpqmfbgktwB0aXinbXUk&e=)**Minimum wage; pay based on work done.**

*Chief patron:*Howell

*Patrons:* Howell and Boysko; Delegate: Kory

*Summary as introduced:*
**Minimum wage; pay based on work done.** Eliminates the exemption to Virginia's minimum wage requirements for persons who normally work and are paid based on the amount of work done.

04/11/20 Governor: Approved by Governor-Chapter 1146 (effective 7/1/20)
04/11/20 Governor: Acts of Assembly Chapter text (CHAP1146)

14. [**SB 277**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BSB277&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=MTj3BkS5Ui-0_-LImQKZB9JUtTolLJsDCZniVOjrodg&e=)**Income tax, state and corporate; deduction for commuter benefits provided by an employer.**

*Chief patron:*Barker

*Patrons:* Barker and Boysko

*Summary as passed:*

**Income tax deduction for commuter benefits provided by an employer.** Establishes, for taxable years 2021 through 2025, an individual and corporate income tax deduction for commuter benefits, defined in the bill, provided by an employer to its employees. The deduction is available only to the employer and is limited to $265 per employee.

04/10/20 Governor: Approved by Governor-Chapter 1033 (effective - see bill)
04/10/20 Governor: Acts of Assembly Chapter text (CHAP1033)

15. [**SB 293**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BSB293&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=-gb2D-pYACZbM3GIiBRvb0FOCb7o4dmIzhVRiBhfrBA&e=)**Financial institutions; multiple-fiduciary accounts.**

*Chief patron:*Chafin

*Summary as introduced:*

**Financial institutions; multiple-fiduciary accounts.** Provides that financial institutions may enter into multiple-fiduciary accounts with more than one fiduciary to the same extent that they may enter into fiduciary accounts with one fiduciary. The measure defines "fiduciary account" as (i) an estate account for a decedent, (ii) an account established by one or more agents under a power of attorney or an existing account of a principal to which one or more agents under a power of attorney are added, (iii) an account established by one or more conservators, (iv) an account established by one or more committees, (v) a regular trust account under a testamentary trust or a trust agreement that has significance apart from the account, or (vi) an account arising from a fiduciary relationship such as an attorney-client relationship. The measure defines "multiple-fiduciary account" as a fiduciary account where more than one fiduciary is authorized to act. The measure also allows any multiple-fiduciary account to be paid, on request, to any one or more fiduciaries, including any successor fiduciary upon proof showing that the successor fiduciary is duly authorized to act, or at the direction of any one or more of the fiduciaries.

03/10/20 Governor: Approved by Governor-Chapter 259 (effective 7/1/20)
03/10/20 Governor: Acts of Assembly Chapter text (CHAP0259)

16. [**SB 391**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BSB391&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=qbOB_4_KmzlDFWRBhmCehY0VPC5QFKGNRIioVmmmodo&e=)**Adult abuse; financial exploitation, required report by financial institution.**

*Chief patron:*McPike

*Summary as passed Senate:*

**Adult abuse; financial exploitation; required report by financial institution.** Requires financial institutions to report to the local department of social services or the adult protective services hotline within five business days any refusal to execute a transaction, delay of a transaction, or refusal to disburse funds based on a good faith belief that such transaction or disbursement may involve financial exploitation of an adult.

04/09/20 Governor: Approved by Governor-Chapter 931 (effective 7/1/20)
04/09/20 Governor: Acts of Assembly Chapter text (CHAP0931)

**NOTE**: *Prior to this new law, there was no requirement of reporting to the adult protective services when a financial institution had taken action of refusing or delaying a transaction or refusing to disburse funds when financial exploitation was suspected*.

17. [**SB 695**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BSB695&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=sHxUJ2S1Ja32Psbr5T9ZHuBBp7IVTJfpgw9-jaw3Df0&e=)**Telemarketing; financial exploitation, agency communication.**

*Chief patron:*Obenshain

*Patrons:* Obenshain and Boysko; Delegate: LaRock

*Summary as passed Senate:*

**Telemarketing; financial exploitation; agency communication.** Directs the Attorney General to establish ongoing communication with the Department for Aging and Rehabilitative Services to ensure that adults 60 years of age or older or 18 years of age or older and incapacitated have access to information regarding the prevention of potential patterns of financial exploitation.

04/09/20 Governor: Approved by Governor-Chapter 939 (effective 7/1/20)
04/09/20 Governor: Acts of Assembly Chapter text (CHAP0939)

18. [**SJ 97**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BSJ97&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=2QHBjPg4SsFcAL8iviCvSLNYueSbo9O59KcUU0XPJ7g&e=)**Celebrating the life of the Reverend C. Douglas Pillow.**

*Chief patron:*Peake

*Patrons:* Peake and Newman

*Summary as introduced:*
**Celebrating the life of the Reverend C. Douglas Pillow.**

02/13/20 Senate: Agreed to by Senate
02/17/20 House: Agreed to by House
02/17/20 Senate: Bill text as passed Senate and House (SJ97ER)

**NOTE**: *Very nice tribute to Rick Pillow’s father*.

**II. Legislation that Failed**

1. [**HB 197**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BHB197&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=6w3QpDHOxuWvgW8Zl35yylbUVRBxMz7IFuRyWmA9ydI&e=)**Financial literacy objectives; DOE to determine feasibility of incorporating into mathematics SOL.**

*Chief patron:*Orrock

*Summary as introduced:*
**Department of Education; financial literacy objectives; mathematics Standards of Learning; report.** Requires the Department of Education to determine and report to the General Assembly no later than December 1, 2020, the feasibility of incorporating the Board of Education's student financial literacy objectives into the appropriate pre-high school mathematics Standards of Learning.

02/11/20 House: Left in Education

1. [**HB 328**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BHB328&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=rsOdaakXG5KGlT6BzGK-CEtNc_nyWbUYQNcG9E4Ng6w&e=)**Family and Medical Leave Insurance Program; funding by employee and employer taxes.**

*Chief patron:*Levine

*Summary as introduced:*
**Family and Medical Leave Insurance Program.** Entitles individuals to a family and medical leave insurance (FMLI) benefit payment for each month they are engaged in qualified caregiving, not to exceed 60 qualified caregiving days per year. Benefits would amount to 66 percent of an individual's monthly wages, based on highest annual earnings from the prior three years, up to a capped monthly amount, and would be indexed to the national average wage index. If a person takes the maximum number of days, the benefits would range from a minimum benefit of $580 to a maximum benefit of $4,000 per month in the program's first year. The measure establishes the Family and Medical Leave Insurance Fund and requires FMLI benefit payments to be made only from this Fund. A tax of 0.2 percent is imposed on the wages received by every individual, and an excise tax of 0.2 percent of the wages paid in any calendar year by the employer with respect to their employment is imposed on employers. The measure has a delayed effective date of January 1, 2021.

01/30/20 House: Reported from Labor and Commerce (12-Y 9-N)
01/30/20 House: Referred to Committee on Appropriations
02/11/20 House: Left in Appropriations

1. [**HB 354**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BHB354&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=fjeGcSWmPCTVXtEYyQ1yIJpygrsLC2gLC1PgIBJa7HA&e=)**Financial institutions; liability when instructions of attorney-in-fact disregarded.**

*Chief patron:*Davis

*Summary as introduced:*
**Financial institutions; liability when instructions of attorney-in-fact disregarded.** Provides that neither an individual nor his attorney-in-fact is liable to repay a loan made by a financial institution to the individual when the individual's attorney-in-fact has requested or instructed the financial institution not to lend funds to the individual and the financial institution loans money to the individual in disregard of the request or instruction.

01/30/20 House: Stricken from docket by Labor and Commerce (18-Y 0-N)

**NOTE**: *This legislation actually arose out of a dispute with a credit union. The League worked diligently with the patron of the bill to show the legal pitfalls and the opportunity for collusion between a member and the member’s attorney-in-fact if the bill had moved forward. At our request and after discussions with the affected parties, the patron withdrew the bill.*

1. [**HB 473**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BHB473&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=5P8D9gDxKxiV-0eKNyJ8yP4XR9F-MSfc_FPdVd_M98U&e=)**Personal data; management and oversight.**

*Chief patron:*Sickles

*Summary as introduced:*
**Personal data; Virginia Privacy Act.** Gives consumers the right to access their data and determine if it has been sold to a data broker. The measure requires a controller, defined in the bill as a person that, alone or jointly with others, determines the purposes and means of the processing of personal data, to facilitate requests to exercise consumer rights regarding access, correction, deletion, restriction of processing, data portability, objection, and profiling. The measure also (i) requires transparent processing of personal data through a privacy notice, (ii) requires controllers to disclose if they process personal data for direct marketing or sell it to data brokers, and (iii) requires controllers to conduct a risk assessment of each of their processing activities involving personal data and an additional risk assessment any time there is a change in processing that materially increases the risk to consumers. The measure applies to any legal entity that conducts business in the Commonwealth or produces products or services that are intentionally targeted to residents of the Commonwealth and that (a) controls or processes personal data of not fewer than 100,000 consumers or (b) derives over 50 percent of gross revenue from the sale of personal data and processes or controls personal data of not fewer than 25,000 customers. A violation of this measure is made a prohibited practice under the Virginia Consumer Protection Act.

01/27/20 House: Continued to 2021 in Communications, Technology and Innovation

1. [**HB 708**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BHB708&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=qD1feSuZMJ7dujvrIVt5JqqpnErNUZ1d5VzsfAnby3A&e=)**Bank franchise; tax credit for student loan refinancing.**

*Chief patron:*Rush

*Summary as introduced:*
**Bank franchise tax credit for student loan refinancing.** Provides a nonrefundable credit against the bank franchise tax starting in taxable year 2020 in the amount of 20 percent of a bank's student loan refinancing expenses. The bill defines eligible expenses to include the amount of principal forgiven by a bank plus the amount of interest reduced by refinancing. The credit is available only for expenses related to the refinancing of privately held loans but not loans held by the federal government. The credit may not be applied against bank franchise taxes imposed by a county, city, or town in the Commonwealth.

02/11/20 House: Left in Finance

**NOTE**: *This was a rare defeat for the Virginia Bankers Association*.

1. [**HB 1020**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BHB1020&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=_ajUvTaOFgjw6eYuDu6dcVmmPU9DPLS7VQW98J_rkM0&e=)**Records of financial institutions; reimbursement of costs for production.**

*Chief patron:*Adams, L.R.

*Summary as introduced:*
**Records of financial institutions; reimbursement of costs for production.** Provides that a financial institution that is asked to provide records related to a customer of the financial institution pursuant to a court proceeding shall be reimbursed by the requesting party for the reasonably necessary and directly incurred costs for the production of such records. Identical to SB677, also defeated.

02/11/20 House: Left in Courts of Justice

1. [**HB 1441**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BHB1441&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=waMQY9w3eGCUYLbClA1hDuiOtIDj9iVJjIqjWsVv3fs&e=)**Financial institutions; small loans prohibited, penalty.**

*Chief patron:*Jones

*Patrons:* Jones, Ayala and Webert

*Summary as introduced:*

**Financial institutions; small loans; penalty.** Prohibits any person from making a small loan unless such person is licensed by the State Corporation Commission. The bill defines "small loan" as an unsecured loan or credit of $5,000 or less extended to a borrower for a personal, family, household, or other noncommercial purpose pursuant to a small loan agreement. The bill provides for qualifications for licensure, posting of a bond, financial solvency requirements, reporting requirements, and recordkeeping and retention requirements. The bill authorizes the Commission to investigate and examine applicants and licensees, to revoke or suspend licenses, to issue cease and desist orders, and to impose a civil penalty of up to $10,000 for violations of the small loan provisions. The bill allows the Commission to refer violations to the Attorney General, and the Attorney General may seek injunctive relief and monetary damages. Identical to SB855 (Sen. Lewis) also defeated.

02/11/20 House: Left in Labor and Commerce

**NOTE:** *This bill became unnecessary with passage of HB789 (short term loans). See above*.

8. [**HB 1663**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BHB1663&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=1t4QG8WsuJZdoPY44DOJRxn4qmmvLSAgUE8q3rzZNuw&e=)**Discrimination; prohibited in public accommodations, etc., causes of action.**

*Chief patron:*Sickles

*Patrons:* Sickles, Levine, McQuinn, Adams, D.M., Aird, Askew, Ayala, Bagby, Bourne, Bulova, Carr, Carroll Foy, Carter, Cole, J.G., Convirs-Fowler, Delaney, Filler-Corn, Gooditis, Guy, Guzman, Hayes, Helmer, Heretick, Herring, Hope, Hudson, Hurst, Jenkins, Jones, Keam, Kory, Krizek, Lindsey, Lopez, Mugler, Mullin, Murphy, Plum, Price, Rasoul, Reid, Roem, Samirah, Scott, Simon, Simonds, Subramanyam, Sullivan, Torian, Tran, Tyler, VanValkenburg, Ward, Watts and Willett; Senators: Ebbin and Howell

*Summary as passed House:*

**Prohibited discrimination; public accommodations, employment, credit, and housing: causes of action; sexual orientation and gender identity.** Creates explicit causes of action for unlawful discrimination in public accommodations and employment in the Virginia Human Rights Act. Currently, under the Act there is no cause of action for discrimination in public accommodations, and the only causes of action for discrimination in employment are for (i) unlawful discharge on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, including lactation, by employers employing more than five but fewer than 15 persons and (ii) unlawful discharge on the basis of age by employers employing more than five but fewer than 20 persons. The bill allows the causes of action to be pursued privately by the aggrieved person or, in certain circumstances, by the Attorney General. The bill prohibits discrimination in public and private employment on the basis of sexual orientation and gender identity. 03/05/20 House: Delegates: Sickles, McQuinn, Coyner
03/05/20 Senate: Conferees appointed by Senate
03/05/20 Senate: Senators: Ebbin, Boysko, Vogel
03/12/20 House: No further action taken
03/12/20 House: Failed to pass in House

**NOTE**: *Since the 2020 session, the US Supreme Court has ruled that discrimination based on sexual orientation is a violation of the federal Civil Rights Act.*

1. [**SB 426**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BSB426&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=9L98pJBe7bh4NRudjKgGUkF46vDOCARNMICJf8zfP3c&e=)**Agreements between private employer and labor or organization; fair share fees.**

*Chief patron:*Saslaw

*Patrons:* Saslaw; Delegate: Kory

*Summary as introduced:*

**Fair share fees.** Authorizes an employer, pursuant to an agreement between the employer and a labor union or labor organization, to require as a condition of employment any employee who is not a member of such labor union or labor organization and is a member of a collective bargaining unit, where the labor union or labor organization is the exclusive representative of the members of the collective bargaining unit, to pay a fair share fee to compensate the labor union or labor organization for the costs of representing the nonmember employee. The bill defines a "fair share fee" as the pro rata share of the portion of a labor union's or labor organization's dues attributable to activities stemming from its duty to represent all employees in a collective bargaining unit without regard to membership in the labor union or labor organization.

02/06/20 Senate: Impact statement from DPB (SB426)
02/09/20 Senate: Passed by indefinitely in Commerce and Labor (12-Y 3-N)

1. [**SB 641**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BSB641&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=H-ebZ6j3U_KJ-YHUvWA11AkBVpHXlTOzI_xzaO799ic&e=)**Civil action; sale of personal data.**

*Chief patron:*Surovell

*Summary as introduced:*
**Civil action; sale of personal data.** Requires a person that disseminates, obtains, maintains, or collects personal data about a consumer for a fee to implement security practices to protect the confidentiality of a consumer's personal data, obtain express consent of a parent of a minor before selling the personal data of such minor, provide access to consumers to their own personal data that is held by the entity, refrain from maintaining or selling data that it knows to be inaccurate, and provide a means by which a consumer can opt out of the sale of his personal data. The bill provides that a violation could result in a civil penalty of up to $7,500 or damages to be awarded to a consumer. The bill also provides for the award of attorney fees and costs.

02/05/20 Senate: Continued to 2021 in Judiciary (15-Y 0-N)

1. [**SB 660**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BSB660&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=4hSOiT4W9Xvx7dqczo6Q12VViobi6Mwo3R79cMFPG_U&e=)**Virginia Equal Pay Act; civil penalties.**

*Chief patron:*Boysko

*Patrons:* Boysko and McClellan

*Summary as introduced:*
**Virginia Equal Pay Act; civil penalties.** Prohibits public and private employers from discriminating between employees on the basis of membership in a protected class in the payment of wages or other compensation, including benefits, by paying wages or other compensation to employees who are members of a protected class at a rate less than the rate at which it pays wages or other compensation to employees who are not members of the protected class for substantially similar work. The measure also prohibits an employer from (i) discriminating between employees by providing less favorable employment opportunities on the basis of membership in a protected class, (ii) limiting an employee's right to discuss wages, (iii) relying on the wage history of a prospective employee in considering the prospective employee for employment or determining the wages that the prospective employee is to be paid by the employer upon hire, or (iv) taking certain retaliatory actions against an employee. The measure also establishes criteria for when wage differentials between employees are permitted. 02/05/20 Senate: Continued to 2021 in Judiciary (7-Y 3-N)

1. [**SB 777**](https://urldefense.proofpoint.com/v2/url?u=http-3A__leg1.state.va.us_cgi-2Dbin_legp504.exe-3F201-2Bsum-2BSB777&d=DwMBAg&c=jxhwBfk-KSV6FFIot0PGng&r=vABDdFsS_wNfy5eP6Y8XV7NuSA2gEmpOu3lpKpMN7ZU&m=m6xVViXg36h8ElySmFTxlfCGYlU725Gh3AX7ykAKG4I&s=tMnQ_aHE1LR3bDjX7lZfBhfbx9zytpaJkx5onZKfvLQ&e=)**Virginia Security for Public Deposits Act; collateral for public deposits.**

*Chief patron:*Lewis

*Patrons:* Lewis; Delegate: Cole, M.L.

*Summary as introduced:*
**Virginia Security for Public Deposits Act; collateral for public deposits; timeframe.** Requires a qualified public depository to deposit eligible collateral with a qualified escrow agent equal to or in excess of the required collateral within two business days of accepting a public deposit. Current law requires deposits to be collateralized at the time of deposit.

01/20/20 Senate: Rereferred from Commerce and Labor (14-Y 0-N)
01/20/20 Senate: Rereferred to General Laws and Technology
02/05/20 Senate: Continued to 2021 in General Laws and Technology (15-Y 0-N)