

## 2021 Legislative Summary

Miscellaneous Taxes		
<p><b><u>HB 2060</u> Online portal for tax practitioners; Department of Taxation shall analyze prospect of establishing.</b></p> <p><i>Chief patron: Coyner</i></p> <p>An Act to direct the Department of Taxation to analyze the prospect of establishing an online portal for tax practitioners.</p> <p><i>Summary as passed House:</i>  <b>Online portal for tax practitioners analysis.</b> Directs the Department of Taxation to analyze the prospect of establishing an online portal allowing access to taxpayer information for tax practitioners who possess a valid Power of Attorney and Declaration of Representative form for each client for whom such tax practitioner seeks to access such taxpayer information. The Department shall examine similar systems from the Internal Revenue Service or other states and also analyze cybersecurity concerns in such systems. The bill requires a report to the General Assembly no later than December 1, 2021.</p>	12/1/2021	Statewide
<p><b><u>SB 1127</u> Charitable gaming; conduct of instant bingo, network bingo, pull tabs, and seal cards.</b></p> <p><i>Chief patron: Reeves</i></p> <p>An Act to amend and reenact §§ 18.2-340.16, 18.2-340.19, 18.2-340.23, 18.2-340.26:1, 18.2-340.27, 18.2-340.28, 18.2-340.28:1, and 18.2-340.34 of the Code of Virginia, relating to charitable gaming; conduct of instant bingo, network bingo, pull tabs, and seal cards.</p> <p><i>Summary as passed:</i>  <b>Charitable gaming; permit requirement; permissible locations; suspensions and revocations.</b> Modifies the list of organizations that may conduct charitable gaming and requires such organizations, other than organizations conducting raffles that reasonably expect to realize gross receipts from such raffles of \$40,000 or less in any 12-month period, to obtain a permit from the Department of Agriculture and Consumer Services; however, the bill exempts certain organizations from the permit application and audit fees. The bill specifies the locations at which an organization may conduct bingo, network bingo, instant bingo, pull tabs, or seal cards. The bill prohibits the holding of a permit by a supplier or manufacturer that commits certain violations or offenses after July 1, 2021. The bill prohibits the Charitable Gaming Board from adjusting the percentage of gross receipts that an organization must use for religious, charitable, community, or educational purposes or for certain real property expenses until a study is completed by a joint subcommittee created in the bill. The bill provides that, notwithstanding the provisions of the bill, any organization that conducted bingo, network bingo, instant bingo, pull tabs, or seal cards at a location outside of the county, city, or town in which its principal office, as registered with the State Corporation Commission, is located or an adjoining county, city, or town on or before February 1, 2021, may continue to conduct bingo, network bingo, instant bingo, pull tabs, or seal cards at such locations until June 30, 2022.</p>	7/1/2021	Statewide

<p><b><u>SB 1398</u> Retail sales and transient occupancy taxes; room rentals.</b></p> <p><i>Chief patron:</i> Norment</p> <p>An Act to amend and reenact §§ 58.1-602, 58.1-603, as it is currently effective and as it may become effective, 58.1-3819, as it shall become effective, 58.1-3819.1, 58.1-3823, as it shall become effective, 58.1-3824, 58.1-3825, 58.1-3825.2, 58.1-3825.3, as it shall become effective, 58.1-3826, 58.1-3842, and 58.1-3843 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 2.2-2320.2 and 58.1-612.2 and by adding in Article 6 of Chapter 38 of Title 58.1 a section numbered 58.1-3818.8, relating to retail sales and transient occupancy taxes on room rentals.</p> <p><i>Summary as passed:</i>  <b>Retail sales and transient occupancy taxes on room rentals.</b> Provides that retail sales and hotel taxes on transient room rentals shall be computed on the basis of the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an intermediary to facilitate the sale of the room and the intermediary charges the customer for the room and such facilitation efforts, the bill requires the intermediary to separately state the taxes on the bill or invoice provided to the customer and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room. The bill requires an amount equal to the estimated state sales tax revenue generated from the tax on accommodations fees to be appropriated to the Virginia Tourism Authority each fiscal year to be used for promoting tourism.</p>	<p>7/1/2021</p>	<p>Statewide</p>
<p><b><u>SB 1438</u> Combined transient occupancy and food and beverage tax; technical amendments.</b></p> <p><i>Chief patron:</i> Hanger</p> <p>An Act to amend and reenact § 58.1-3842 of the Code of Virginia, relating to combined transient occupancy and food and beverage tax; technical amendments.</p> <p><i>Summary as introduced:</i>  <b>Combined transient occupancy and food and beverage tax; technical amendments.</b> Provides that, for purposes of the combined transient occupancy and food and beverage tax that is currently authorized for Rappahannock and Madison Counties, the rate limit for such tax shall be the same as if the two taxes were imposed separately. The bill also eliminates the referendum requirement for the food and beverage component of the combined tax, consistent with Chapters 1214 and 1263 of the Acts of Assembly of 2020, which eliminated the referendum requirement for the food and beverage tax generally</p>	<p>7/1/2021</p>	<p>Statewide</p>

<p><b><u>SB 1465</u> Illegal gambling; skill games, definitions, enforcement by localities and Attorney General.</b></p> <p><i>Chief patron:</i> Reeves</p> <p>An Act to amend and reenact § 18.2-325, as it is currently effective and as it shall become effective, of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-331.1, relating to illegal gambling; skills games; civil penalty; enforcement by localities and Attorney General.</p> <p><i>Summary as passed:</i>  <b>Illegal gambling; skill games; civil penalty; enforcement by localities and Attorney General.</b> Provides that any person who conducts, finances, manages, supervises, directs, or owns a gambling device that is located in an unregulated location is subject to a civil penalty of up to \$25,000. The bill provides that the Attorney General, an attorney for the Commonwealth, or the attorney for any locality may cause an action in equity to be brought in the name of the Commonwealth or of the locality, as applicable, to enjoin the operation of a gambling device in violation of the provisions of the bill and may request attachment against all such devices and any moneys within such devices. The bill provides that any civil penalties brought in the name of the Commonwealth shall be paid into the Literary Fund and that any civil penalties brought in the name of a locality shall be paid into the general fund of the locality.</p>	<p>7/1/2021</p>	<p>Statewide</p>
<p><b><u>SB 1326</u> Local cigarette taxes; regional cigarette tax boards.</b></p> <p><i>Chief patron:</i> Hanger</p> <p>An Act to amend and reenact § 58.1-3830 of the Code of Virginia and to amend the Code of Virginia by adding in Article 7 of Chapter 38 of Title 58.1 a section numbered 58.1-3832.1, relating to local cigarette taxes; regional cigarette tax boards.</p> <p><i>Summary as passed Senate:</i>  <b>Local cigarette taxes; regional cigarette tax boards.</b> States that it is the policy of the Commonwealth, where practical, to encourage local cigarette stamping and tax collection to be accomplished through regional cigarette tax boards, defined in the bill. The bill directs the Department of Taxation to establish a task force to develop methods for modernizing the local cigarette tax collection system and provide assistance as appropriate to localities seeking to form new regional cigarette tax boards.</p>	<p>7/1/2021</p>	<p>Various</p>

Personal Property Tax		
<p><b><u>HB 1774</u> Tangible personal property taxes; classification of certain motor vehicles, trailers, &amp; semitrailers.</b></p> <p><i>Chief patron:</i> Walker</p> <p>An Act to amend and reenact § 58.1-3506 of the Code of Virginia, relating to tangible personal property taxes; classification of certain motor vehicles, trailers, and semitrailers.</p> <p><i>Summary as introduced:</i></p> <p><b>Tangible personal property taxes; classification of certain motor vehicles, trailers, and semitrailers.</b> Provides that the separate class of property for rate purposes that includes motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used by a motor carrier engaged in interstate commerce on a for-hire basis shall also include such vehicles used to transport passengers. Under current law, this class of property only includes such vehicles if they are used to transport property.</p>	1/1/2022	Statewide
<p><b><u>HB 2163</u> Motor Vehicles, Department of; limits the release of privileged information to government entities.</b></p> <p><i>Chief patron:</i> Tran</p> <p>An Act to amend and reenact §§ 46.2-100, 46.2-208, 46.2-209, 46.2-209.1, 46.2-216.1, 46.2-328.3, and 46.2-600.1 of the Code of Virginia, relating to Department of Motor Vehicles; privileged information.</p> <p><i>Summary as passed:</i></p> <p><b>Department of Motor Vehicles; privileged information.</b> Limits the release of Department of Motor Vehicles (DMV) privileged information to government entities and law-enforcement agencies for the purpose of civil immigration enforcement unless (i) the subject of the information provides consent or (ii) the requesting agency presents a lawful judicial order, judicial subpoena, or judicial warrant. The bill requires the DMV to notify the subject of the request that such a request was made and the identity of the entity that made the request. The bill requires any entity receiving privileged information from the DMV to enter into a written agreement with the DMV prior to such release of such information and prohibits any entity from rereleasing any such DMV information to any third party unless explicitly permitted to do so in the entity's agreement with the DMV. The bill contains requirements for any such written agreement between the DMV and the Department of State Police.</p>	7/1/2021	Statewide

**SB 1130 Personal property tax; exemption for motor vehicle of a 100 percent disabled veteran.**

*Chief patron:* Reeves

An Act to amend the Code of Virginia by adding in Article 5 of Chapter 36 of Title 58.1 a section numbered 58.1-3668, relating to personal property tax exemption; motor vehicle of a disabled veteran.

7/1/2021

Statewide

*Summary as passed:*

**Personal property tax exemption; motor vehicle of a disabled veteran.** Provides that one motor vehicle of a veteran who has a 100 percent service-connected, permanent, and total disability shall be exempt from local taxes. This bill is the enabling legislation for a constitutional amendment ratified by the voters of the Commonwealth at the November 2020 general election.

Real Estate Tax		
<p><b><u>HB 1760</u> Conservation easements; certain easements be liberally construed in favor of purpose which created.</b></p> <p><i>Chief patron:</i> Webert</p> <p>An Act to amend the Code of Virginia by adding in Chapter 10.1 of Title 10.1 a section numbered 10.1-1016.1 and by adding in Chapter 17 of Title 10.1 a section numbered 10.1-1705.1, relating to conservation easements; construction.</p> <p><i>Summary as passed House:</i>  <b>Conservation easements; construction.</b> Provides that an easement held pursuant to the Virginia Conservation Easement Act or the Open-Space Land Act shall be construed in favor of achieving the conservation purposes for which it was created. <b>This bill is identical to SB 1199.</b></p>	7/1/2021	Statewide
<p><b><u>SB 1199</u> Conservation easements; construction.</b></p> <p><i>Chief patron:</i> Petersen</p> <p>An Act to amend the Code of Virginia by adding in Chapter 10.1 of Title 10.1 a section numbered 10.1-1016.1 and by adding in Chapter 17 of Title 10.1 a section numbered 10.1-1705.1, relating to conservation easements; construction.</p> <p><i>Summary as passed Senate:</i>  <b>Conservation easements; construction.</b> Provides that an easement held pursuant to the Virginia Conservation Easement Act or the Open-Space Land Act be construed in favor of achieving the conservation purposes for which it was created. <b>This bill is identical to HB 1760.</b></p>	7/1/2021	Statewide

Solar Equipment		
<p><b><u>HB 2006</u> Energy storage systems; definitions, tax exemption, revenue share for systems.</b></p> <p><i>Chief patron:</i> Heretick</p> <p>An Act to amend and reenact §§ 58.1-2600, 58.1-2628, 58.1-2636, and 58.1-3660, relating to tax exemptions for energy storage systems.</p> <p><i>Summary as passed House:</i></p> <p><b>Tax exemptions for energy storage systems.</b> Declares that energy storage systems are included in the definition of certified pollution control equipment and facilities, making energy storage systems exempt from state and local taxation. The bill defines "energy storage system" as equipment, facilities, or devices that are capable of absorbing energy, storing it for a period of time, and redelivering that energy after it has been stored. The tax exemption applies only to certain projects with alternating current (AC) storage capacity of more than five megawatts and less than 150 megawatts.</p> <p>The bill also allows localities to assess a revenue share of up to \$1400 per megawatt on energy storage systems. The bill provides that on July 1, 2026, and every five years thereafter, the maximum amount of the revenue share that a locality may impose on energy storage systems as well as certain solar energy projects shall be increased by 10 percent. No increase may be made to any revenue share imposed by a locality on a solar energy project or energy storage systems for which an application has been filed with the locality and such application has been approved prior to January 1, 2021. The bill defines energy storage systems as electric suppliers whose property shall be assessed by the State Corporation Commission. <b>This bill is identical to SB 1201.</b></p>	7/1/2021	Statewide

<p><b><u>HB 2201</u> Solar and energy storage projects; siting agreements throughout the Commonwealth.</b></p> <p><i>Chief patron: Jones</i></p> <p>An Act to amend and reenact §§ 15.2-2288.8 and 15.2-2316.6 through 15.2-2316.9 of the Code of Virginia, relating to solar projects and energy storage projects; siting agreements throughout the Commonwealth.</p> <p><i>Summary as introduced:</i></p> <p><b>Solar and energy storage projects; siting agreements and special exceptions throughout the Commonwealth.</b> Expands existing provisions related to siting agreements and zoning special exceptions for solar projects located in an opportunity zone to include energy storage projects and makes the provisions statewide. The bill provides that its provisions shall not apply to any energy storage project that has received zoning and site plan approval, preliminary or otherwise, from the host locality before January 1, 2021. The bill also provides that its provisions shall not become effective with respect to energy storage projects unless the General Assembly approves legislation that authorizes localities to adopt an ordinance for taxation of energy storage projects such as solar projects with a local option for machinery and tools tax or solar revenue share. <b>This bill is identical to SB 1207.</b></p>	<p>7/1/2021</p>	<p>Statewide</p>
<p><b><u>HB 2269</u> Solar energy projects and energy storage systems; revenue share for projects and systems.</b></p> <p><i>Chief patron: Heretick</i></p> <p>An Act to amend and reenact § 58.1-2636 of the Code of Virginia, relating to revenue share for solar energy projects and energy storage systems.</p> <p><i>Summary as passed House:</i></p> <p><b>Revenue share for solar energy projects and energy storage systems.</b> Allows localities to assess a revenue share of up to \$1,400 per megawatt on energy storage systems. The bill provides that on July 1, 2026, and every five years thereafter, the maximum amount of the revenue share that a locality may impose on certain solar energy projects and energy storage systems shall be increased by 10 percent. No increase may be made to any revenue share imposed by a locality on a solar energy project or energy storage systems for which an application has been filed with the locality and such application has been approved prior to January 1, 2021.</p>	<p>7/1/2021</p>	<p>Statewide</p>



<p><b><u>SB 1201</u> Energy storage systems; definitions, tax exemption, revenue share for systems.</b></p> <p><i>Chief patron:</i> Petersen</p> <p>An Act to amend and reenact §§ 58.1-2600, 58.1-2628, 58.1-2636, and 58.1-3660, relating to tax exemptions for energy storage systems.</p> <p><i>Summary as passed Senate:</i>  <b>Tax exemptions for energy storage systems.</b> Declares that energy storage systems are included in the definition of certified pollution control equipment and facilities, making energy storage systems exempt from state and local taxation. The bill defines "energy storage system" as equipment, facilities, or devices that are capable of absorbing energy, storing it for a period of time, and redelivering that energy after it has been stored. The tax exemption applies only to certain projects with alternating current (AC) storage capacity of more than five megawatts and less than 150 megawatts.</p> <p>The bill also allows localities to assess a revenue share of up to \$1400 per megawatt on energy storage systems. The bill provides that on July 1, 2026, and every five years thereafter, the maximum amount of the revenue share that a locality may impose on energy storage systems as well as certain solar energy projects shall be increased by 10 percent. No increase may be made to any revenue share imposed by a locality on a solar energy project or energy storage systems for which an application has been filed with the locality and such application has been approved prior to January 1, 2021. The bill defines energy storage systems as electric suppliers whose property shall be assessed by the State Corporation Commission. <b>This bill is identical to HB 2006.</b></p>		
<p><b><u>SB 1207</u> Solar and energy storage projects; siting agreements throughout the Commonwealth.</b></p> <p><i>Chief patron:</i> Barker</p> <p>An Act to amend and reenact §§ 15.2-2288.8 and 15.2-2316.6 through 15.2-2316.9 of the Code of Virginia, relating to solar projects and energy storage projects; siting agreements throughout the Commonwealth.</p> <p><i>Summary as passed Senate:</i>  <b>Solar and energy storage projects; siting agreements and special exceptions throughout the Commonwealth.</b> Expands existing provisions related to siting agreements and zoning special exceptions for solar projects located in an opportunity zone to include energy storage projects and makes the provisions statewide. The bill provides that its provisions shall not apply to any energy storage project that has received zoning and site plan approval, preliminary or otherwise, from the host locality before January 1, 2021. The bill also provides that its provisions shall not become effective with respect to energy storage projects unless the General Assembly approves legislation that authorizes localities to adopt an ordinance for taxation of energy storage projects such as solar projects with a local option for machinery and tools tax or solar revenue share. <b>This bill is identical to HB 2201.</b></p>	7/1/2021	Statewide