
New Virginia Laws For 2013 and 2014 Which Will Impact Your Development and Construction Business

Chandra D. Lantz, Esq.

LAWS TO BECOME EFFECTIVE JULY 1, 2013:

EMINENT DOMAIN

HB 2306 Eminent domain; just compensation; tax assessments.

Provides that just compensation paid for real property taken pursuant to eminent domain shall not be less than the appraisal of the fair market value of such property, if such an appraisal is required, or the current assessed value of such property for real estate tax purposes when the entire parcel for which the assessment has been made is to be acquired, whichever is greater. Under current law, just compensation shall not be less than the appraisal of fair market value if such an appraisal is required.

LAND DEVELOPMENT AND ZONING

SB 1293 Comprehensive plan; transportation.

Provides that the transportation component of a local comprehensive plan shall be consistent at the interstate and primary levels with various state and local transportation plans. The bill also shortens from 90 to 45 days the time period by which the Department of Transportation shall provide comment upon submission of such local plans for review.

MECHANIC'S LIENS

HB 1913 Mechanic's Liens; Contractor Licenses Required For Filing.

Provides that persons performing labor without a required contractor's license are not entitled to a mechanic's lien. Further requires mechanics' lien claimants to include on the face of any mechanics' lien information regarding their contractor license number and date of issuance or to certify that a license is not required for the work done for which the contractor claims payment.

SB 1913 Mechanic's Liens; Penalty for False Filing.

Makes it a class 5 felony to maliciously file a mechanics' lien known to be false.

PROFESSIONAL REGULATION

SB 1316 Board for Professional Soil Scientists, Wetland Professionals, and Geologists; requirements for certification as a wetland delineator.

Removes the requirement that experience in wetland delineation prior to applying for certification as a wetland delineator must have occurred under the supervision of a certified professional wetland delineator.

JOB INCENTIVE GRANTS AND REPORTING

SB 1320 Job investment and incentive grant programs; information to verify employment status.

Authorizes state entities that award grants or other incentives based on employment goals to require the recipient business to also provide copies of employer quarterly payroll reports prepared for the Virginia Employment Commission to the awarding agency to verify the employment status of any position included in the employment goal.

PUBLIC PROCUREMENT

SB 902 Cashier's Check Acceptable As Security

Authorizes the acceptance of a cashier's check as an alternative to bid, payment or performance bonds for a project.

LAWS TO BECOME EFFECTIVE JANUARY 1, 2014:
SMALL BUSINESS AND SUPPLIER DIVERSITY CONTRACTING

SB 1350 Department of Small Business and Supplier Diversity Created.

Creates a new Department of Small Business and Supplier Diversity by consolidating the powers and duties of existing Department of Business Assistance and Department of Minority Business Enterprise into the new Department. The new Department will coordinate and oversee state programs relating to small, women-owned and minority-owned business development efforts and will oversee the Virginia Jobs Investment Program, including a Workforce Retraining Program, Small Business New Jobs and Retraining Program, and various small business grant funds. The changes are not effective until January 1, 2014.

LAWS TO BECOME EFFECTIVE JULY 1, 2014:

PUBLIC PROCUREMENT

HB 2079 Changes to Competitive Sealed Bidding and Competitive Negotiation for Virginia Public Procurement

Reorganizes the definitions of and processes for competitive sealed bidding and competitive negotiation. The bill also adds a definition of job order contracting and specifies procedures to be used by public bodies when utilizing job order contracting. Under the bill, the above provisions do not become effective until July 1, 2014. The bill also requires the chairs of the House Committee on General Laws and the Senate Committee on General Laws and Technology to convene a work group in 2013 to examine the provisions of the Virginia Public Procurement Act.



Chandra Lantz is a trial lawyer and member of Hirschler Fleischer's Construction & Suretyship Practice Group and Insurance Recovery Teams. She also chairs the firm's Local Government Law practice. She handles a variety of commercial business disputes and provides counseling and risk management services for the construction and development industries.

This update is not legal advice and reflects only some information which may be of interest to the Virginia construction industry. Additional information on any of the new laws may be obtained by contacting **Chandra Lantz** at clantz@hf-law.com or **804.771.9586**.