

**ACTS**  
**AND**  
**JOINT RESOLUTIONS**  
**OF THE**  
**GENERAL ASSEMBLY**  
**OF THE**  
**Commonwealth of Virginia**

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**EXTRA SESSION 1964**

which commenced at the State Capitol, Richmond,  
on Monday, November 30, 1964, and ended  
on Saturday, December 12, 1964

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**EXTRA SESSION 1965**

which commenced at the State Capitol, Richmond,  
on Tuesday, August 31, 1965, and ended  
on Friday, September 3, 1965

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**REGULAR SESSION 1966**

which commenced at the State Capitol, Richmond,  
on Wednesday, January 12, 1966, and ended  
on Monday, March 28, 1966

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Commonwealth of Virginia  
Department of Purchases and Supply  
Richmond  
1966

apportionment of assignments among counsel appointed to defend indigent persons charged with criminal offenses; and

Perform such related duties as the judge may direct.

(c) Each Director shall make an annual report to the court by which he is appointed and shall maintain such records as the court may direct.

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## CHAPTER 631

*An Act to amend and reenact § 46.1-383, as amended, of the Code of Virginia, relating to examination of certain operators and chauffeurs and suspension, revocation or restriction of licenses.*

[S 77]

Approved April 6, 1966

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-383, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 46.1-383. (a) The Division shall, upon receipt of a record that an operator or chauffeur has (1) been convicted of two traffic violations occurring during a period of one year in which the vehicle operated by him was in motion or (2) during a period of one year been involved as driver of a vehicle in two accidents involving personal injury or property damage in excess of fifty dollars, or having any other good cause to believe that an operator or chauffeur is incompetent or otherwise not qualified under this chapter to be licensed may, upon written notice of at least fifteen days to the person require him to submit to an examination to determine his fitness to operate a motor vehicle upon the highways of this State. Upon the conclusion of such examination, the Division shall take such action as may be appropriate and may suspend or revoke the license or privilege to operate a motor vehicle in this State of such person or permit him to retain such license or privilege to operate a motor vehicle in this State, or may issue a license subject to such restrictions as are authorized to be imposed by § 46.1-378. Refusal or neglect of the person to submit to such examination or comply with such restrictions shall be grounds for suspension or revocation of his license or privilege to operate a motor vehicle in this State.

(b) *The Commissioner shall include, as a part of the application for an original operator's or chauffeur's license, or renewal thereof, questions as to the existence of physical or mental conditions which impair the ability of the applicant to operate a motor vehicle safely. Any person knowingly giving a false answer to any such question shall be guilty of a misdemeanor. If the answer to any such question indicates the existence of such condition, the Commissioner shall require an examination of the applicant by a licensed physician as a prerequisite to the issuance of the operator's or chauffeur's license. The report of such examination shall contain a statement that, in the opinion of the physician, the applicant's physical or mental condition at the time of such examination does or does not preclude his safe operation of motor vehicles.*

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## CHAPTER 632

*An Act to create the Virginia Historic Landmarks Commission; to provide for the appointment of the members thereof; to prescribe the powers*

*and duties of the Commission with reference to the establishment, designation, preservation, and marking of historic landmarks and historic districts; to prescribe the effect on assessment for taxation of designation of historic landmarks and historic districts; to empower the Commission, under certain conditions, to acquire property by purchase, gift or lease; and to transfer to the Commission certain powers and duties with respect to historic markers.*

[S 108]

Approved April 6, 1966

Be it enacted by the General Assembly of Virginia:

1. § 1. There is hereby created in the Executive Department of the State Government the Virginia Historic Landmarks Commission, hereinafter referred to as Commission.

§ 2. (a) The Commission shall consist of ten members. Seven shall be appointed by the Governor and the remaining three shall be the Director of the Department of Conservation and Economic Development, the State Librarian, and the Director of the Virginia Research Center for Historic Archaeology, all as ex officio members, but with full voting rights.

(b) Of the seven members appointed by the Governor, one may be chosen from a list of three names submitted to him by the Association for the Preservation of Virginia Antiquities, one may be chosen from a list of three names submitted to him by the Virginia Historical Society, one may be taken from a list of three names submitted to him by Colonial Williamsburg, Incorporated, one may be chosen from a list of three names submitted to him by the Dean of the School of Architecture, University of Virginia, one may be chosen from a list of three names submitted to him by the Virginia Chapter of the American Institute of Architects and the remainder shall be appointed from the State at large.

(c) Of the appointive members, initially two shall be appointed for terms of four years, two shall be appointed for terms of three years, two shall be appointed for terms of two years and one shall be appointed for a term of one year. Thereafter, appointments shall be made for terms of four years, except appointments to fill vacancies occurring other than by expiration of term, which shall be filled for the unexpired term.

(d) No member of the Commission shall receive compensation for his services but they shall be reimbursed their necessary expenses incurred in the performance of their duties.

§ 3. The Commission may employ an executive director and such other employees, assistants, and technical personnel as may be required for the performance of its duties.

§ 4. The Commission shall:

(a) Make a survey of, and designate as an historic landmark, the buildings, structures and sites which constitute the principal historical, architectural and archaeological sites which are of State-wide or national significance. No structure or site shall be deemed to be an historic one unless it has been prominently identified with, or best represents, some major aspect of the cultural, political, economic, military, or social history of the State or nation, or has had a major relationship with the life of an historic personage or event representing some major aspect of, or ideals related to, the history of the State or nation. In the case of structures which are to be so designated, they shall embody the principal or unique features of an architectural type or demonstrate the style of a period of our history or method of construction, or serve as an illustration of the work of a master builder, designer or architect whose genius influenced the period in which he worked or has significance in current times. In order for a site to qualify as an archaeological site, it shall be an area from which it is reasonable to

expect that artifacts, materials and other specimens may be found which give insight to an understanding of aboriginal man or the Colonial and early history and architecture of the State or nation.

(b) Prepare a register of buildings and sites which meet the requirements of the preceding paragraph, publish lists of such properties and inspect such properties from time to time; publish a register thereof from time to time setting forth appropriate information concerning the registered buildings and sites.

(c) With the consent of the landowners, certify and mark, with appropriately designed markers, buildings and sites which it has registered.

(d) Establish standards for the care and management of certified landmarks and withdraw such certification for failure to maintain the standards so prescribed.

(e) Acquire by purchase, gift, or lease and administer registered landmarks, sites and easements and interests therein; such acquisition may be made from funds provided by law or otherwise.

(f) Lease or sell property so acquired under terms and conditions designed to ensure the proper preservation of the landmark or site in question.

(g) Establish historic districts for registered landmarks and designate the area thereof by appropriate markers provided the county or city in which the district or registered landmark is located fails or refuses to take such action as is necessary to establish and maintain such districts.

(h) Identify historical districts for registered landmarks and aid and encourage the county or city in which the district or landmark is located to adopt such rules and regulations as the Commission may develop and recommend for the preservation of historical, architectural, or archaeological values.

(i) Prepare and place, from funds provided by law, State historical markers on or along the highway or street closest to the location which is intended to be identified upon such marker.

(j) Seek the advice and assistance of individuals, groups and governments who or which are conducting historical preservation programs and coordinate the same insofar as possible.

(k) Seek and accept gifts, bequests, endowments and funds from any and all sources for the accomplishment of the function of the Commission.

§ 5. In any case in which the Commission designates a structure or site as a certified landmark, it shall notify the official having the power to make assessments of properties for purposes of taxation within the county or city in which the structure or site is located and such designation and notification shall be, prima facie, evidence that the value of such property for commercial, residential or other purposes is reduced by reason of its designation.

§ 6. When the Commission establishes an historic district, it shall notify the official of the county or city whose duty it is to assess property for the purpose of taxation by the county or city in which such area is located of the fact of such establishment and the boundaries of the district, together with the restrictions which are applicable to properties located in such district and of the fact that commercial, industrial and certain other uses within such district are restricted. The tax assessing official shall take such factors into consideration in assessing the properties therein and, based on the restrictions upon the uses of such property, place a lower valuation upon the same.

§ 7. In the establishment of historic districts, the Commission shall not act in any county or city in which local officials have established such districts. In any county or city having power to establish such districts and which has not done so, the Commission shall, in appropriate cases, designate such districts and notify the proper officials of the county or city in which

the same is located and request them to take such action as will enable the establishment and perpetuation through local action, of historic districts.

§ 8. Whenever the Commission, with the consent of the landowner, certifies property as being a registered landmark, it may seek and obtain from such landowner such restrictions upon the use of the property as the Commission finds are reasonable and calculated to perpetuate and preserve the features which led it to designate such property as an historical landmark. All such agreements between the Commission and the landowner shall be in writing, and, when duly signed, shall be recorded in the clerk's office of the county or city wherein deeds are admitted to record and when so recorded shall be notification to tax assessing officials of the restrictions therein set forth. Such restrictions shall be observed by the tax assessing officials of such county or city in placing a lower valuation upon such property in future assessments or reassessments of real estate.

§ 9. All agencies of the State shall assist the Commission in the disposition of its duties and functions upon the request of the Commission or the executive director thereof.

§ 10. All powers, duties and functions of the State Librarian and the State Library Board relating to the erection, maintenance and control of historical markers under Article 6 of Chapter 6 of Title 42 of the Code of Virginia are hereby transferred to, and vested in the Commission, and, for these purposes, the Commission shall have all the powers and duties, including the appointment of committees, heretofore exercised by the State Library Board.

§ 11. This act being designed for the public welfare and the perpetuation of those structures and areas which have a close and immediate relationship to the values upon which this State and the Nation were founded, and which serve as a means of illustrating to present and future generations the inherent worth of such values and the unchangeable truths thereby demonstrated, shall be broadly construed in order to accomplish the purposes herein set forth.

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### CHAPTER 633

*An Act to authorized the Governor to convey certain formerly submerged land to the city of Portsmouth.*

[S 131]

Approved April 6, 1966

Whereas, in recent years the city of Portsmouth has reclaimed by filling certain submerged lands from the bed of the Elizabeth River in Portsmouth, Virginia, abutting the property owned by it and the city desires to perfect its title to such reclaimed lands by obtaining a conveyance thereof from the Commonwealth of Virginia; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Governor is hereby authorized to convey to the city of Portsmouth, all right, title and interest of the State in and to the following described property:

All that certain piece or parcel of land containing approximately 35.781 acres, situate, lying and being in the city of Portsmouth, Virginia, and being more particularly bounded and described as follows:

Beginning on the north side of Seaboard Avenue at a point 535 feet west from the point where the west line of Spencer Avenue would intersect