



## Emergency Regulation Agency Background Document

<b>Agency name</b>	Board of Towing and Recovery Operators
<b>Virginia Administrative Code (VAC) citation</b>	24 VAC 27-30-10
<b>Regulation title</b>	General Regulations for Towing and Recovery Operators
<b>Action title</b>	Action to adopt emergency regulations for refunding operator application fees to tow and recovery operators as specifically authorized by the Board.
<b>Date this document prepared</b>	June 28, 2012

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Preamble

*The APA (Code of Virginia § 2.2-4011) states that agencies may adopt emergency regulations in situations in which Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or less from its enactment, and the regulation is not exempt under the provisions of subdivision A. 4. of § 2.2-4006.*

- 1) Please explain why this is an emergency situation as described above.*
- 2) Summarize the key provisions of the new regulation or substantive changes to an existing regulation.*

This action is an emergency situation pursuant to § 2.2-4011 of the Code of Virginia.

The General Assembly determined that the Board of Towing and Recovery Operators will be abolished effective January 1, 2013, and requires tow and recovery operators to be licensed through January 1, 2013. In order to modify tow and recovery operator license fees currently based upon a 12-month license, the Board needs to develop regulations to address modification of tow and recovery operator's licensing fees for the balance of the licensing term requirement. These regulations set forth the authority of the Board for modifications of tow and recovery operator license fee

The Board of Towing and Recovery Operators determined that the issuance of a tow and recovery operator license for less than a 12-month term would create a financial hardship on those tow and recovery operators applying for a license, and therefore, modification of the licensing fees would allow the

tow and recovery operators to be refunded any sum over the prorated licensing fees due at application. The tow and recovery operators subject to a refund are required to follow the Board’s statute, regulations, and disciplinary processes of the board during the period of license. The tow and recovery operator’s support modification of licensing fees.

**Legal basis**

*Other than the emergency authority described above, please identify the state and/or federal legal authority to promulgate this proposed regulation, including: 1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and 2) the promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary. Please include a citation to the emergency language.*

This action is an emergency situation pursuant to § 2.2-4011 and §§ 46.2-2805.4. and 46.2-2809 of the Code of Virginia. The Board has the authority to levy and collect fees for licensure and renewal that are sufficient to cover all expenses for the administration and operation of the Board, and to promulgate regulations necessary for the effective administration of the Board.

**Substance**

*Please detail any changes that are proposed. Please outline new substantive provisions, all substantive changes to existing sections, or both where appropriate. Set forth the specific reasons the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of Virginians.*

For changes to existing regulations, use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
24 VAC 27-30-20. B.	N/A	B. All fees shall be nonrefundable.	<p>B. All fees shall be nonrefundable <u>except as specifically authorized by the board as to operator licensing fees only, whose fees may be prorated for a partial year on a month-remaining basis through December 31, 2012. Upon completion of the operator application requirements, the board shall issue a refund for any prorated operator licensing fee. Any renewal operator license received after the expiration date of the license shall be subject to the late renewal fees based upon a 12-month license fee calculation. Upon completion of the initial and renewal operator license application requirements, the board shall issue a license for a period less than 12 months.</u></p> <p>Rationale: To eliminate a financial hardship for tow and recovery operators applying for a</p>

			license for less than a 12-month period.
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**Alternatives**

*Please describe all viable alternatives to the proposed regulatory action that have been considered to meet the essential purpose of the action.*

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Due to the requirements of the Administrative Process Act, a regulatory change outside of the emergency regulatory process would not timely produce the results necessary for a refund of operator licensing fees prior to the abolishment of the Board.

**Family impact**

*Please assess the impact of the emergency regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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N/A