



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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MEMORANDUM

TO: Bruce Gould, Executive Director
Motor Vehicle Dealer Board

FROM: Eric K. G. Fiske *Eric K. G. Fiske*
Senior Assistant Attorney General

DATE: July 24, 2013

SUBJECT: Letter of Assurance for Periodic Review of Regulations -- 24 VAC 22-30
(Motor Vehicle Dealer Advertising Practices and Enforcement)

You have asked for a letter of assurance from this Office that the Motor Vehicle Dealer Board ("Dealer Board") has statutory authority to have promulgated as well as amend or modify 24 VAC 22-30 (Motor Vehicle Dealer Advertising Practices and Enforcement Regulations). I understand that DMV is conducting a periodic review of this regulation as well as considering making changes to said regulation and is seeking an examination by this Office to ensure statutory authority.

It is my opinion that the Dealer Board has statutory authority to promulgate regulations governing the enforcement of advertising practices by motor vehicle dealers. I believe that this authority can be found in the provisions of Va. Code § 46.2-1506 (general authority of Dealer Board to adopt regulations) and in § 46.2-1582 (specific authority of Dealer Board to promulgate rules and regulations for this subject matter).

This memorandum only addresses legal matters regarding the authority to promulgate regulations and does not address and does not serve as a comment for or against the merits of the regulations themselves. I would conclude that the Dealer Board has the authority to have promulgated the existing regulation in question in its entirety or to change or modify any portion thereof.

I hope that I have addressed all of your concerns. If any other questions arise, please do not hesitate to contact me.