



**COMMONWEALTH of VIRGINIA**  
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Mr. Nicholas Megibow, Senior Policy Analyst  
Virginia Department of Motor Vehicles  
2300 West Broad Street  
Richmond Virginia 23269

Re: Overload Permit Regulations

Dear Mr. Megibow:

At your request, I have reviewed the Department of Motor Vehicles' posting for amendment of the Overload Permit Regulations (24 VAC 20-80-20). This memorandum addresses legal matters only and is not intended as a comment for or against the merits of the proposed regulations.

With regard to DMV's action, it is my legal opinion that DMV has both the statutory authority and implied authority to enact, amend, revise, repeal, and review the existing regulations governing overload permits.

Virginia Code § 46.2-1128 provides that DMV may grant an overload permit, upon application from the vehicle owner; the section further provides that DMV may promulgate regulations governing such permits. In addition, Va. Code § 46.2-203 provides general statutory authority for DMV to promulgate regulations "necessary to carry out the laws administered by the Department." Such authority, by implication, includes the authority to modify, amend, repeal, and review such regulations as have been promulgated thereunder as is necessary to carry out DMV's duties.

Finally, I have reviewed the proposed regulations and confirm that the proposed regulations pose no current conflict to existing laws.

Sincerely,  
*Janet W. Baugh*

Janet W. Baugh  
Senior Assistant Attorney General