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Exempt Action: Final Regulation Agency Background Document

Agency name	Virginia Department of State Police
Virginia Administrative Code (VAC) Chapter citation(s)	19 VAC 30-140
VAC Chapter title(s)	Regulations Relating to Standards and Specifications for Back-Up Audible Alarm Signals
Action title	2024 Amendments to Regulations Relating to Standards and Specifications for Back-Up Audible Alarm Signals Final / Exempt
Final agency action date	21 June 2024
Date this document prepared	25 June 2024

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

Pursuant to Executive Order 17 (2014) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Department of State Police is conducting a periodic review and small business impact review of VAC citation: 19 VAC30-165, title of regulation: Regulations Relating to Standards and Specifications for Back-Up Audible Alarm Signals.

In reviewing these regulations, it was determined that the requirements set forth by the Department when they were initially adopted were unduly burdensome and effectively unenforceable. The standards originally developed required the owner or operator of the impacted vehicles to determine whether the audible alarm they purchased or had installed met the industry standards as developed by SAE. This determination, as well as any enforcement action would need to be based upon a scientific analysis of a

specific alarm to determine if it was in compliance. Neither trucking companies or the Department have such capabilities.

The proper placement of the burden for compliance with industry standards is the industry itself. A audible alarm that is marked and warranted as being in compliance, or otherwise certified by the manufacturer, seller or installer as being in compliance places the burden where it belongs. Such a process makes it simpler for small business to comply and the Department to enforce.

The alternatives considered in this review were repealing the regulations, amending the regulation, or maintain the status quo.

- Maintaining the status quo would mean keeping a regulation that is both difficult to comply with and nearly impossible to enforce on the books. The current regulation places an undue burden on vehicle owners requiring them to determine whether a piece of equipment they purchase complies with an industry standard they have nothing to do with. This approach was therefore rejected.
- The adoption of this regulation is mandated by § 46.2-1157, therefore the Department has no authority to repeal the regulation without a statutory change. This approach was therefore rejected.
- The amendment of the regulation to place the burden of complying with the applicable industry standards upon those who manufacture, sell, or install such audible alarms was the most effective method of reducing administrative burdens. Such individuals are in the business of producing and selling equipment that meets industry standards and therefore best equipped to ensure compliance.

That review resulted in the following amendments to the regulation:

- **19VAC30-140-10** – Repealed.
- **19VAC30-140-20** - Repealed.
- **19VAC30-140-30** – Amended to require only that the audible alarm be marked or certified as being in compliance with the applicable SAE standard.
- **19VAC30-165-40** - Repealed.
- **19VAC30-140-50** - Repealed.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

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Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On June 21, 2024, The Virginia Department of State Police completed a periodic review of 19VAC30-140 Regulations Relating to Standards and Specifications for Back-Up Audible Alarm Signals As a result of that review the following regulatory actions are hereby initiated:

- **19VAC30-140-10** – Repealed.
- **19VAC30-140-20** - Repealed.
- **19VAC30-140-30** – Amended to require only that the audible alarm be marked or certified as being in compliance with the applicable SAE standard.
- **19VAC30-165-40** - Repealed.
- **19VAC30-140-50** - Repealed.