



COMMONWEALTH of VIRGINIA
Office of the Attorney General
Richmond 23219

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MEMORANDUM

TO: Col. W.S. Flaherty, Superintendent
Department of State Police

FROM: Charles A. Quagliato
Assistant Attorney General

DATE: June 23, 2016

SUBJECT: Motor Vehicle Safety Inspection Rules and Regulations; 19 VAC 30-70-2, et seq.

In response to a request from the Department of State Police, I have reviewed the proposed amendments to the regulations set forth in 19 VAC 30-70-2, *et seq.*, relating to motor vehicle safety inspection rules and regulations. Upon review of the aforesaid amendments, I find them to be constitutional, consistent with the statutory authority conferred by § 46.2-1165 of the Code of Virginia, and in conformity with existing statutory provisions. As expressed in an earlier memorandum, these changes to the regulations are made pursuant to a customary police function of the Department and is therefore exempted from the requirements of the Administrative Process Act, pursuant to § 2.2-4002(B)(6).

Please note that this memorandum is intended to provide legal interpretations and legal advice, not policy advice. To the extent that this communication may advise you that a certain action is lawful, the decision whether to take such action remains a policy decision within the discretion of your agency and this communication should not be construed as a comment for or against the merits of such action.