

**Part II**  
**General Information and Legislative Authority**

**9VAC20-110-90. Enforcement.**

A. The Department of State Police and all other law-enforcement officers of the Commonwealth who have satisfactorily completed the course in Hazardous Materials Compliance and Enforcement as prescribed by the U.S. Department of Transportation in federal safety regulations and safety inspection procedures pertaining to the transportation of hazardous materials, shall enforce the provisions of Article 7 (§10.1-1450 et seq.) of Chapter 14 of Title 10.1 of the Code of Virginia, and any rule or regulation promulgated herein. Those law-enforcement officers certified to enforce the provisions of this article, and any regulations promulgated under such article, shall annually receive in-service training in current federal safety regulations and safety inspection procedures pertaining to the transportation of hazardous materials.

B. Judicial enforcement of these regulations shall be governed by §10.1-1455 of the Code of Virginia. (Note: The federal regulations at 40 CFR 171 and elsewhere set maximum civil penalties. This section of the Code of Virginia, §10.1-1455, limits the maximum civil penalty for the acts occurring on any single day to \$25,000 per violation. Therefore, this is the maximum penalty available under these regulations in courts of the Commonwealth. Maximum penalties for acts occurring over more than one day are \$25,000 per violation for each day, each day of violation constituting a separate offense.)

**Part III**

**Compliance With Federal Regulations**

**9VAC20-110-110. Compliance.**

Every person who transports or offers for transportation hazardous materials within or through the Commonwealth of Virginia shall comply with the federal regulations governing the transportation of hazardous materials promulgated by the United States Secretary of Transportation with amendments promulgated ~~and in effect as of October 1, 2002~~ October 1, 2003 or as specified in the federal rule, whichever is later, (except as otherwise specified below) pursuant to the Hazardous Materials Transportation Act, and located at Title 49 of the Code of Federal Regulations as set forth below and which are incorporated in these regulations by reference:

1. Exemptions. 49 CFR Part 107, Subpart B.
2. Registration of Persons Who Offer or Transport Hazardous Materials in 49 CFR Part 107, Subpart G.
3. Hazardous Materials Regulations in 49 CFR Parts 171 through 177.
4. Specifications for Packagings in 49 CFR Part 178.
5. Specifications for Tank Cars in 49 CFR Part 179.
6. Continuing Qualifications and Maintenance of Packagings in 49 CFR Part 180.
7. Motor Carrier Safety Regulations in 49 CFR Parts 390 through 397.

Certified True and Accurate: \_\_\_\_\_

Robert G. Burnley, Director, Department of  
Environmental Quality

Date: \_\_\_\_\_