



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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March 13, 2008

The Honorable D. B. Smit, Commissioner
Virginia Department of Motor Vehicles
2300 West Broad Street
Post Office Box 27412
Richmond, Virginia 23269

Re: Authority of DMV to Adopt Regulations to Replace Existing VDOT Regulations Relating to Hauling Permits for Overweight and Over Dimension Vehicles (New Regulations at 24 VAC 20-81; Existing Regulations at 24 VAC 30-111)

Dear Commissioner Smit:

I have reviewed the above-referenced proposal for DMV to adopt regulations relating to hauling permits for overweight and over dimension vehicles to replace existing VDOT regulations on this subject which presently appear at 24 VAC 30-111; the new regulations will appear at 24 VAC 20-81.

In my view, as counsel to your agency, the Commissioner of the Department of Motor Vehicles possesses the statutory authority to promulgate regulations relating to hauling permits for overweight and over dimension vehicles pursuant to Virginia Code § 46.2-203, in enforcing the provisions of Article 18 of Chapter 10 of Title 46.2.

If I may be of any further assistance to you relating to this matter, please do not hesitate to contact me.

Sincerely,

Jeffrey A. Spencer
Senior Assistant Attorney General

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