



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

Kenneth T. Cuccinelli, II  
Attorney General

July 3, 2013

900 East Main Street  
Richmond, Virginia 23219  
804-786-2071  
FAX 804-786-1991  
Virginia Relay Services  
800-828-1120  
7-1-1

Ms. Melissa Velazquez  
Virginia Department of Motor Vehicles  
2300 W. Broad St.  
Richmond Va. 23269

Re: Repeal of CDL Regulations

Dear Ms. Velazquez:

You have asked for a letter of assurance from this Office that the Department of Motor Vehicles (DMV) has statutory authority to repeal the CDL regulations (24VAC20-60) through the exempt process based on HB 2077/SB 1219 incorporating the regulations into the Code.

With regard to your request, it is my opinion that DMV has statutory authority to repeal these regulations through the exempt process. After reviewing the regulations in question (24VAC20-60) and the new code (HB 2077/SB 1219), I believe that the new code encompasses everything that the regulations do, thus making the regulations redundant. In some places, the code has even added some additional requirements that the regulations do not have.

In light of this, I am of the opinion that DMV can repeal the regulations through the exempt process provided for in Va. Code §2.2-4006(4)(a) as DMV has no choice or discretion but to follow the new code in these matters

Therefore, as discussed previously, this letter confirms that the Department of Motor Vehicles has statutory authority pursuant to Virginia Code §2.2-4006(4) to repeal these regulations through the exempt process as provided for in this code section.

Sincerely,

A handwritten signature in cursive script, appearing to read "Janet L. Westbrook".

Janet L. Westbrook  
Assistant Attorney General