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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Department of Motor Vehicles
Virginia Administrative Code (VAC) Chapter citation(s)	24VAC20-80 24VAC20-81
VAC Chapter title(s)	Overload Permit Regulations, Hauling Permit Regulation
Action title	Amend Regulations Following Periodic Review
Date this document prepared	August 25, 2020

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), 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 the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Department of Motor Vehicles intends to consider repealing 24VAC20-80, Overload Permit Regulations, and 24VAC20-81, Hauling Permit Regulation, and promulgating a new set of regulations by combining and amending the existing regulations into one new chapter to more clearly describe permitting requirements, to bring the regulations into conformity with existing law, and to incorporate procedural changes adopted to enhance efficiency and user experience.

Both chapters prescribe requirements for obtaining permits to operate overweight vehicles and should be combined for consistency and ease of reference. In addition, the Department of Motor Vehicles is currently preparing a Request for Proposals for a new Virginia Automated Permitting System to issue oversize and overweight permits and expects that procedural changes associated with a new Virginia Automated Permitting System may require revisions to the regulations.

The Department of Motor Vehicles will consider amendments to the regulations to include clarifying the regulations as necessary, deleting obsolete or duplicative information, and updating processes to make them more efficient and cost effective, while maintaining the safety of the traveling public and the integrity of the Commonwealth's transportation infrastructure.

Acronyms and Definitions

Please define all acronyms or technical definitions used in the Agency Background Document.

“DMV” means Department of Motor Vehicles.

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, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), “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.”

DMV concluded a periodic review of 24VAC20-80 and 24VAC20-81 and determined the regulations should be repealed, amended, and combined into a new chapter to bring them into conformity with law and current practices.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

DMV regulations are promulgated under the general authority of § 46.2-203 of the Code of Virginia which grants DMV statutory authority to promulgate regulations “necessary to carry out the laws administered by the Department.” Section 46.2-1128 of the Code of Virginia authorizes DMV to grant an overload permit to certain vehicles that exceed statutory weight limits and specifically provides that DMV may promulgate regulations governing such permits. Sections 46.2-1139 et seq. of the Code of Virginia authorize DMV to issue permits that allow certain vehicles that exceed statutory weight or size limits to operate on the highway and authorize DMV to promulgate regulations governing such permits.

Purpose

Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.

The Overload Permit Regulations (24VAC20-80 et seq.) and the Hauling Permit Regulation (24VAC20-81 et seq.) last underwent a thorough and complete review in 1988 and 2007. Since that time, changes in technology and business practices and amendments to Chapter 10 of Title 46.2 of the Code of Virginia and federal regulations governing maximum vehicle size and weight necessitate a comprehensive regulatory review to ensure the regulations complement existing statutes, impose minimal burdens on permittees while protecting the traveling public and the transportation infrastructure, and reflect current agency policies and procedures. Technology changes have provided an opportunity for DMV to update the way it accepts and processes permit applications and issues permits, making the system more efficient for consumers and the agency, and new processes for permitting will be reflected in proposed regulations. The regulations will also be reviewed to ensure they achieve their intended objectives in the most efficient, cost-effective manner, and are clearly written and understandable. DMV may propose other changes it identifies as necessary during the regulatory review process.

Substance

Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

DMV will complete a general review of the existing regulations to identify changes necessary to conform the regulations to existing law, ensure consistency in the permitting process and improve clarity and ease of use while protecting the health, safety, and welfare of the traveling public and the Commonwealth’s transportation infrastructure.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

Although no viable alternatives have been identified at this time, DMV may make changes to the regulatory action under consideration if alternative proposals are identified during the regulatory review process and after consideration of any submissions during the public comment period.

Periodic Review and Small Business Impact Review Announcement

If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and Executive Order 14 (as amended, July 16, 2018)),

and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify as necessary for your agency.

This NOIRA is not being used to announce a periodic review or a small business impact review.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below. In addition, as required by § 2.2-4007.02 of the Code of Virginia describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.

DMV is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, and (iii) the potential impacts of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail or email to Rachel Kerns at rachel.kerns@dmv.virginia.gov or Rachel Kerns, Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia 23269. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of this stage.