



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Jason S. Miyares
Attorney General

202 North 9th Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120

July 2, 2024

Mr. Nicholas Megibow, Senior Policy Analyst
Virginia Department of Motor Vehicles
2300 West Broad Street
Richmond Virginia 23269

Re: Driver Training Schools- School Licensing Requirements

Dear Mr. Megibow:

At your request, I have reviewed the Department of Motor Vehicles' posting for amendment of the Regulations concerning Driver Training Schools Licensing Requirements (24 VAC 20-121-60). This memorandum addresses legal matters only and is not intended as a comment for or against the merits of the proposed regulations.

Virginia Code § 46.2-1703 provides statutory authority for DMV to promulgate regulations necessary to implement procedures for driver training schools. In addition, Va. Code § 46.2-203 provides general statutory authority for DMV to promulgate regulations "necessary to carry out the laws administered by the Department." Such authority, by implication, includes the authority to modify, amend, repeal, and review such regulations as have been promulgated thereunder as necessary to carry out DMV's duties. Moreover, Virginia Code § 2.2-4012.1 provides that an agency may amend or repeal regulations through a "fast-track" process if the changes are considered to be "noncontroversial."

With regard to DMV's action, it is my legal opinion that DMV has both the statutory authority and implied authority to enact, amend, revise, repeal, and review the existing regulations regarding driver training schools' licensing requirements. With that in mind, I have reviewed the proposed regulations and confirm that the proposed regulations pose no current conflict to existing laws and appear to be non-controversial in nature.

Sincerely,

Janet W. Baugh

Janet W. Baugh
Senior Assistant Attorney General