



COMMONWEALTH of VIRGINIA
Office of the Attorney General
Richmond 23219

Robert F. McDonnell
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071

804-371-8947 TDD

MEMORANDUM

TO: Col. W.S. Flaherty, Superintendent
Department of State Police

FROM: Charles A. Quagliato
Assistant Attorney General

DATE: November 26, 2008

SUBJECT: Regulation Relating to Approved Helmets for All-Terrain Vehicles and Mopeds – 19 VAC 30-200.

In response to a request from the Department of State Police, I have reviewed the proposed regulation, 19 VAC 30-200, relating to approved helmets for all-terrain vehicles and mopeds. Virginia Code §§ 46.2-915.1 and 46.2-915.2 requires the Superintendent of the State Police to promulgate regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), to approve helmets for all-terrain vehicles and mopeds. Upon review of the aforesaid regulation, I find the proposed regulation to be constitutional, consistent with the statutory authority granted by §§ 46.2-915.1 and 46.2-915.2 of the Code of Virginia, and in conformity with existing statutory provisions.

Please note that this memorandum is intended to provide legal interpretations and legal advice, not policy advice. To the extent that this communication may advise you that a certain action is lawful, the decision whether to take such action remains a policy decision within the discretion of your agency and this communication should not be construed as a comment for or against the merits of such action.