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Fast-Track Regulation Agency Background Document

Agency name	Department of State Police
Virginia Administrative Code (VAC) citation(s)	19 VAC 30-40
Regulation title(s)	Standards and Specifications for the Stickers or Decals Used By Cities, Counties and Towns in Lieu of License Plates
Action title	Stickers or Decals Used By Cities, Counties and Towns - Summer 2018 Amendments
Date this document prepared	7 AUG 2018

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This administrative regulation establishes the specifications related to the size and location in which required stickers are to be placed on the windshields of motor vehicles. The stickers referred to in this section are those required by counties, cities, and towns in lieu of license plates. The 2018 Amendment gives the vehicle owner the option of placing the sticker either behind the rear view mirror or adjacent to the Virginia motor vehicle inspection sticker located in drivers side lower corner of the wind shield.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

"Department" means the department of State Police

Statement of final agency action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On July 25, 2018, the Department adopted final regulations relating to the placement of stickers and decals used by cities and counties to de-conflict that regulation with the placement of the Virginia State Inspection sticker. This was accomplished by amending 19VAC 30-40, Standards and Specifications for the Stickers or Decals Used By Cities, Counties and Towns in Lieu of License Plates to allow placement at the owners discretion in two places on the windshield.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including: 1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable; and 2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority.

Code of Virginia § 46.2-1052

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Describe the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

In 2017 the regulations relating to the placement of the Virginia motor vehicle inspection sticker were amended to shift the placement of that sticker from the lower center to the lower left hand corner, when viewed from inside the vehicle, of the windshield. That amendment impacts the optional placement of the sticker requiring this regulation to be amended to reflect the new proper positioning for the County of City sticker. The change is necessary to allow for the lawful placement of the county sticker so that it does not interfere with the operator's vision and will not obstruct the proper placement of the inspection sticker. Improper placement of stickers

on the windshield would interfere with the operator's vision and endanger the public by limiting the operators ability to observe pedestrians, hazards', and other traffic.

Rationale for using fast-track process

Please explain the rationale for using the fast-track process in promulgating this regulation. Why do you expect this rulemaking to be noncontroversial?

The proposed regulation is intended to ensure that the placement of the county or city sticker does not interfere with the placement of the Virginia inspection sticker and to ensure that any placement does not illegally interfere with the vehicle operator's clear field of vision. The change in placement provides two options and does not add or remove any requirement for such sticker.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of changes" section below.

19 VAC 30-40 is being amended to allow the owner of the vehicle an option to place a County sticker or decal either next to the Virginia motor vehicle inspection sticker in the lower drivers side corner of the windshield or behind the rear view mirror. The current regulation allows a placement which may interfere with proper display of the inspection sticker.

Issues

Please identify the issues associated with the proposed regulatory action, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.

The proposed amendment is to ensure that the placement of the County or City sticker does not interfere with the placement of the mandatory Virginia inspection sticker and prohibit placements that would impair the driver's field of vision. There are no advantages or disadvantages to the public, Commonwealth, or agency in the placement of the sticker other than the improper placement may limit the operators visibility thereby endangering the public.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are

no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

None

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

Those localities that still issue County or City decals or stickers or intend to in the future.

Regulatory flexibility analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

The proposed regulation was adopted pursuant to a statutory mandate to the Department to do so. The Department must adopt and keep the regulation current to comply with the statutory mandate. In adopting the regulation and the proposed change the Department provided some flexibility for the owner to choose where to place the sticker while ensuring such placement would not impair the ability of the operator to have a clear field of vision when driving.

Economic impact

Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact.

<p>Projected cost to the state to implement and enforce the proposed regulation, including: a) fund source / fund detail; and b) a delineation of one-time versus on-going expenditures</p>	<p>None</p>
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Projected cost of the new regulations or changes to existing regulations on localities.	None
Description of the individuals, businesses, or other entities likely to be affected by the new regulations or changes to existing regulations.	All owners of vehicles in counties or cities which require a county or city sticker if the sticker is not already placed in one of the two authorized areas.
Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	Unknown
All projected costs of the new regulations or changes to existing regulations for affected individuals, businesses, or other entities. Please be specific and include all costs including: a) the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; and b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.	None
Beneficial impact the regulation is designed to produce.	Allow placement of the sticker (if required) in an area that will not interfere with the drivers field of vision or the proper placement of the mandatory Virginia inspection sticker.

The Department of Planning and Budget has completed and submitted an Economic Impact Statement on the proposed changes and concluded the following:

Adverse Impacts:

Businesses: The proposed amendment would not adversely affect businesses.

Localities: The proposed amendment would not adversely affect localities.

Other Entities: The proposed amendment would not adversely affect other entities.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. 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 regulation.

The Department provided the vehicle owner with two options that will provide an uninterrupted field of vision thus reducing any burden while ensuring that the County stickers would not interfere with the proper placement of the mandated inspection sticker.



Public participation notice

If an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall: 1) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register; and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The proposed regulation will not: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Detail of changes

Please list all changes that are being proposed and the consequences of the proposed changes; explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action. If the proposed regulation is intended to replace an emergency regulation, please follow the instructions in the text following the three chart templates below.

For changes to existing regulation(s), please use the following chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
19 VAC 30-40	N/A	At the owners option the sticker may be placed in the lower driver side corner or adjacent to the inspection sticker (formerly the center of the windshield).	At the owners option the sticker may be placed in the blind spot behind the rear view mirror or adjacent to the inspections sticker which is now in the lower drivers side corner of the windshield.