



COMMONWEALTH of VIRGINIA
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MEMORANDUM

TO: Col. Gary Settle, Superintendent
Department of State Police

FROM: Michael A. Jagels
Senior Assistant Attorney General

DATE: October 18, 2021

SUBJECT: Motor Carrier Safety Regulations – 19 VAC 30-20.

In response to a request from the Department of State Police, I have reviewed the regulations set forth in 19 VAC 30-20 relating to compliance with changes in the controlling Federal Motor Carrier Regulations promulgated by the U.S. Department of Transportation, Federal Motor Carrier Safety Administration. Regulation 19 VAC 30-20-80 is being updated to incorporate changes to the Federal Motor Carrier Safety regulations in effect on and after November 1, 2021. This will ensure conformity with the United States Motor Carrier Safety Act found in 49 CFR Part 385 and 49 CFR 395, as amended. These regulations are mandated by §52-8.4 and 49 CFR Part 390.

Upon review of the aforesaid emergency exemption, I find the changes to be consistent with the statutory authority conferred by § 52-8.4 of the Code of Virginia, and in conformity with existing statutory provisions. The changes to the regulations are exempted from the Administrative Process Act pursuant to § 2.2-4002(B)(6) of the Code of Virginia.

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