



COMMONWEALTH of VIRGINIA
Office of the Attorney General

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July 18, 2023

By Electronic Mail
Virginia Town Hall

Re: Motor Carrier Safety Regulations – 19VAC30-20-80

Dear All:

I have reviewed the regulations set forth in 19 VAC 30-20-80 relating to the authority of qualified Virginia Law Enforcement officers to enforce 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 as amended in effect on and after October 1, 2023. This will ensure Virginia law enforcement may enforce 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.

The regulations do not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with any federal or state law currently in effect. This approval addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of the action.

Sincerely,

/s/ Erik R. Smith
Assistant Attorney General