



COMMONWEALTH of VIRGINIA

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December 19, 2022

William Childress
Virginia Motor Vehicle Dealer Board
2201 West Broad Street, Suite 104
Richmond, Virginia 23220

Re: Independent Motor Vehicle Dealer Dealer-Operator Recertification Regulations
Repealed and Codified Under Virginia Code §§ 46.2-1583-46.2-1589.

Dear Mr. Childress:

I have reviewed the Motor Vehicle Dealer Board's (MVDB) posting for removal/repeal of the Independent Motor Vehicle Dealer Dealer-Operator Recertification Regulations (24 VAC 22-40-10 through 24 VAC 22-40-70) pursuant to §§ 2.2-4006 and 2.2-4007.01 of the *Code of Virginia*. This memorandum addresses legal matters only and is not intended as a comment for or against the merits of the proposed repeal of these regulations.

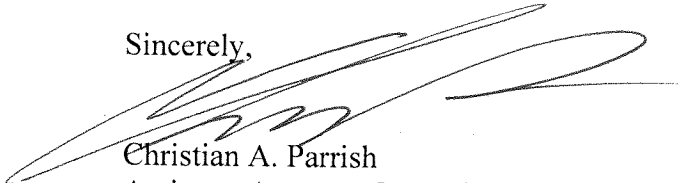
With regard to the MVDB's review, it is my legal opinion that the MVDB has both the statutory authority and implied authority to enact, amend, revise, review and repeal the existing regulations governing dealer-operator recertification for independent motor vehicle dealers.

Virginia Code § 46.2-1503.4 provides that the MVDB is to establish the qualifications for dealer applicants for certification and licensure and to provide for the examination and qualification and licensing of motor vehicle dealers and salespersons. Va. Code §46.2-1506.1 specifically permits the MVDB to "promulgate regulations specifying additional training or conditions for individuals seeking certification, licensure, or renewal of certificates or licenses." Such authority, by implication, includes the authority to modify, amend, review and repeal such regulations as have been promulgated thereunder as is necessary to carry out MVDB duties under Chapter 15 of Title 46.2 of the Virginia Code. Furthermore, the Independent Motor Vehicle Dealer Dealer-Operator Recertification Regulations (24 VAC 22-40-10 through 24 VAC 22-40-70) during the 2022 General Assembly and through House Bill 316 were codified to Virginia Code §§ 46.2-1583-46.2-1589.

Finally, I have reviewed the current regulations and confirm that the current regulations pose no current conflict to existing laws. The repeal of these regulations also appears to

qualify for the fast-track rulemaking process under Va. Code § 4012.1 because they are noncontroversial.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Parrish', written over a horizontal line.

Christian A. Parrish
Assistant Attorney General