



Periodic Review / Retain Regulation Agency Background Document

Agency name	Department of Motor Vehicles (DMV)
Virginia Administrative Code (VAC) citation	24VAC20-40
Regulation title	Rules and Regulations on Accident Prevention Courses for Older Drivers
Document preparation date	May 31, 2013

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

VA Code § 38.2-2217 provides for an appropriate reduction in premium charges for those insured persons who are fifty-five years of age and older and who have successfully completed a motor vehicle crash prevention course approved by the Department of Motor Vehicles. The statute permits the Department of Motor Vehicles to promulgate rules and regulations which will assist the agency in carrying out the provisions of statute.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

There is no viable alternative to the regulation.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

DMV did not receive any comments regarding the regulation following publication of the Notice of Periodic Review. DMV informally solicited comments on the regulation from stakeholders directly prior to publication of the Notice of Periodic Review. Those informal comments are summarized below.

Commenter	Comment	Agency response
Retired Undertaker	A retired undertaker commented that the greatest test or challenge that an over 55 driver faces is the under 55 driver. They talk on cell phones, follow too closely, do not use seat belts, over consume alcohol, use poor judgment and for the most part are not held responsible for their driving conduct by the courts. The commenter indicated that he sees none of this in the course outline.	The agency does not consider this comment germane to the regulation.
State Corporation Commission (SCC)	<ol style="list-style-type: none"> 1. Since insurers are required to provide a premium discount (per § 38.2-2217) for the crash prevention courses taken by drivers 55 and older, the courses need to be meaningful. The standards in the regulation serve that purpose. We would encourage DMV to retain the regulation. 2. Consideration may need to be given to amending the regulation to accommodate electronic or Internet-based delivery of courses. A few years ago, subsection A of § 38.2-2217 was amended to allow approved courses to be offered via the Internet or other electronic means. The regulation does not specifically address electronic or Internet-based courses. The DMV may want to consider adding language that permits approved courses to be delivered electronically or via the Internet. 	<ol style="list-style-type: none"> 1. DMV appreciates SCC's review and support of the regulation. 2. Since electronic or Internet based courses are included in the statute and such courses are in use DMV feels this is adequately addressed in statute and does not intend to amend the regulation.
AARP	<ol style="list-style-type: none"> 1. AARP suggests that the regulation should not require collection of the social security 	<ol style="list-style-type: none"> 1. DMV understands that it is not necessary to collect the social security number for an instructor who is not compensated such as

	<p>numbers for instructors who conduct the courses. AARP indicated that it does not collect social security numbers from volunteer instructors that do not want to provide the number.</p> <p>2. AARP suggests that the requirements that courses provide a minimum of eight hours of classroom presentation and discussion divided over at least a two-day period in order to allow time for better integration and comprehension of the safety concepts is an outdated curriculum. AARP commented that most states (30+) require four to six hours, which can cover the same material as an eight hour course and reach more people.</p>	<p>AARP's volunteers. However, instructors who are compensated must provide such information for tax purposes.</p> <p>2. ALL DMV driver improvement courses are currently eight hour courses. Changing the time requirement would be a deviation from other DMV driver improvement courses. DMV does not intend to amend the regulation to decrease the time requirements for the course.</p> <p>DMV is currently conducting a study of mature drivers to determine whether the Commonwealth should adopt additional objective criteria in current license renewal requirements, as a means of assessing mature drivers' continued capability to remain active, safe and mobile on the road. DMV does not intend to amend the regulation in order to allow for the study to be completed, in the event that the study in some way impacts the regulatory requirements.</p>
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Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The regulation is not necessary for the protection of the public health, safety, and welfare. The regulation is clearly written and easily understandable.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

DMV is recommending that the regulations should stay in effect without change. DMV did not receive a significant number of comments to warrant amending the regulation. Further DMV is currently conducting a study of mature drivers to determine whether the Commonwealth should adopt additional objective criteria in current license renewal requirements, as a means of assessing mature drivers' continued capability to remain active, safe and mobile on the road. DMV does not intend to amend the regulation in order to allow for the study to be completed, in the event that the study in some way impacts the regulatory requirements.

Small business impact

In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

DMV did not receive any comments during the comment period indicating a need to repeal or amend the regulation to minimize the economic impact on small businesses. DMV informally solicited comments from stakeholders directly prior to publication of the Notice of Periodic Review. The informal solicitation of comments focused on whether there is a continued need for the regulation and to ensure that the regulation minimizes the economic impact on small businesses. It is always DMV's goal to provide stakeholders with ample opportunity for input so the regulation was sent to stakeholders well in advance of the beginning of the review to obtain input. Since insurers are required to provide a premium discount (per § 38.2-2217) for the crash prevention courses taken by drivers 55 and older, the standards in the regulation provide for meaningful course requirements and should be retained as is. DMV has not received comments or complaints regarding the regulation. DMV has determined that the regulation does not overlap, duplicate or conflict with federal or state law or regulation. DMV did consider the degree to which, technology, economic conditions, or other factors have changed in the area affected by the regulation. Since electronic or Internet based courses are included in the statute and such courses are in use DMV feels this is adequately addressed in statute and does not intend to amend the regulation. Because DMV received no indication that the regulation has an economic impact on small businesses DMV intends to retain the regulation as is.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

The regulation does not have an impact on the institution of the family and family stability.