



Periodic Review / Retain Regulation Agency Background Document

Agency name	Department of Motor Vehicles (DMV)
Virginia Administrative Code (VAC) citation	24VAC20-110
Regulation title	T&M Vehicle, Trailer, and Motorcycle Dealer Advertising Practices and Enforcement Regulations
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 §§ 46.2-1991, 46.2-1992.85, and 46.2-1993.82 provide DMV with specific and general authority to promulgate regulations in the area of T&M Vehicle, Trailer, and Motorcycle Dealer advertising practices.

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 at this time.

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. One written comment was received that is summarized below.

Commenter	Comment	Agency response
Trailer Dealer	One trailer dealer encourages the review to consider: <ol style="list-style-type: none"> 1. The age of the internet with regards to the application of regulations, wording and advertising on the internet. 2. Whether the regulations apply to items that could be “direct shipped” from the factory to the customer’s location without going to the dealer (not likely today, but in the future...) 3. Whether the regulations apply to dealers outside the state that advertise and sell into the state (both neighboring dealers and those advertising over the internet). 	<ol style="list-style-type: none"> 1. DMV has determined no changes are needed at this time. 2. Virginia law does not permit direct shipping. 3. If the dealer is licensed to do business in Virginia, the regulations apply to that dealer. If the dealer is located outside of Virginia and not licensed to do business in Virginia the regulations do not apply.

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 may be considered necessary for the protection of the public welfare. The regulation is intended to insure that advertising of T&M vehicles, trailers, and motorcycles by dealers is honest, fair, and clear and that deceptive and misleading advertising is prohibited. 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 aware that the Motor Vehicle Dealer Board (MVDB) has a similar regulation. MVDB is undergoing a regulatory review of its regulation and revision. DMV intends to wait until the MVDB completes any changes to its regulation

before making any amendments to the DMV regulation to ensure that the DMV regulation compliments the MVDB regulation.

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 the 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. DMV received one comment during the informal solicitation for comments; however the commenter did not address economic impact on his business.

DMV has determined to retain the regulation at this time pending the MVDB revisions to its regulation. DMV has not received any complaints regarding the existing regulation. DMV has determined that the regulation is not overly complex and mirrors the Code of Virginia. DMV has also determined that the regulation does not overlap, or conflict with federal or state law or regulation. Many items within the regulation are included in the statutes. DMV considered the degree to which, technology, economic conditions, or other factors have changed in the area affected by the regulation, and has determined that no changes are necessary at this time.

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.