



COMMONWEALTH of VIRGINIA

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MEMORANDUM

TO: Colonel W. Steven Flaherty
Virginia State Police Superintendent

FROM: Phillip O. Figura
Chief Prosecutor
Organized Crime and Enforcement Unit

DATE: November 18, 2014

SUBJECT: Regulations for Regulations Relating to Standards and Specifications for Back-Up Audible Alarm Signals for certain vehicles used primarily for highway repair and maintenance -19 VAC 30-140, *et. seq.*

In response to a request from the Virginia State Police, I have examined the current regulations which are up for periodic review, 19 VAC 30 – 140 *et seq.*, relating to standards and specifications for back-up audible alarm signals for certain vehicles used primarily for highway repair and maintenance .

Virginia Code § 46.2-1175.1 provides that the Virginia State Police to shall approve devices which automatically emits an audible alarm signal when the vehicle is operated in reverse gear. Upon review of the aforesaid regulations, I find the regulations to be constitutional, consistent with the statutory authority granted by Virginia Code § 46.2-915.1, and in conformity with existing statutory provisions.

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 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.