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## Periodic Review Report of Findings

<b>Agency name</b>	Virginia Department of Motor Vehicles
<b>Virginia Administrative Code (VAC) citation</b>	24VAC20-121
<b>Regulation title</b>	Virginia Driver Training Schools Regulations
<b>Date this document prepared</b>	October 7, 2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

## Acronyms and Definitions

*Please define all acronyms used in this Report. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.*

There are no acronyms in the report or technical terms that are used in the document that are not also defined in the "Definition" section of 24VAC20-121.

## Legal Basis

*Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.*

Section 46.2-1703 of the *Code of Virginia (Code)* provides the Department of Motor Vehicles (DMV) with specific and general authority to promulgate regulations necessary to (i) enforce the provisions of Chapter 17 of Title 46.2 of the *Code* which governs driver training schools, (ii) provide adequate training for students, (iii) protect student and public safety and (iv) carry out the other provisions of Chapter 17 of Title 46.2 of

the Code. The regulations shall include but need not be limited to curriculum requirements, contractual arrangements with students, obligations to students, facilities and equipment, qualifications and other requirements for instructors, school ownership requirements, surety bond requirements, and financial stability of schools.

### Alternatives

*Please describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.*

There is no viable alternative to the regulation of Driver Training Schools.

### 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. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. 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 of Driver Training Schools following publication of the Notice of Periodic Review.

Commenter	Comment	Agency response

### Effectiveness

*Pursuant to § 2.2-4017, please indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.*

The regulation is necessary for the protection of public welfare. The regulation is intended to ensure that driver training schools in Virginia provide adequate training for students and the regulation oversees the driver training school’s curriculum requirements, contractual arrangements with students, obligations to students, facilities and equipment, qualifications and other requirements for instructors, school ownership requirements, surety bond requirements, and financial stability of schools. The regulation is clearly written and easily understandable.

### Decision

*Please explain the basis for the rulemaking entity’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).*

DMV is recommending that the regulation be retained without change. DMV did not receive any public comments during the public comment period. During the 2019 General Assembly session, Senate Bill 1481

(SB 1481) amended several statutes regarding the licensure of commercial motor vehicle drivers. The bill codifies federal regulatory requirements relating to the training and licensure of first time applicants for certain classifications of commercial driver's licenses and endorsements, also known as entry-level driver training (ELDT). The bill allows for lifetime disqualification of the commercial credentials for holders of commercial driver's licenses and commercial learner's permits for certain felony drug charges in compliance with current federal regulation. The bill also authorizes certain exemptions for qualifying military personnel. Several provisions of the bill have delayed or contingent effective dates. DMV will review the regulation upon the final effective date to ensure the regulation is in compliance with federal and state laws. It should be noted that beginning in the spring of 2019 states received indications that the Federal Motor Carrier Safety Administration (FMCSA) was considering delaying ELDT requirements. DMV does not want to initiate any changes to the regulation until such time as ELDT requirements are final. As of July 2019, FMCSA issued a proposed rulemaking to delay the effective date of certain entry-level driver training requirements.

### Small Business Impact

*As required by § 2.2-4007.1 E and F of the Code of Virginia, include 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, discuss why the agency's decision, consistent with the stated objectives of applicable law, will 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 has determined to retain the regulation at this time. DMV has determined that the regulation is not overly complex and conforms to the Code. DMV has also determined that the regulation does not overlap, or conflict with federal or state law or regulation. 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.