



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

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Attorney General

October 25, 2019

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Ms. Melissa Velazquez  
Virginia Department of Motor Vehicles  
2300 West Broad Street  
Richmond Virginia 23269

Re: Regulations for Accident Prevention Courses for Older Drivers

Dear Ms. Velazquez:

At your request, I have reviewed the Department of Motor Vehicles' posting for periodic review of the Regulations for Accident Prevention Courses for Older Drivers (24 VAC 20-40-10 through 24VAC 20-40-50) pursuant to § 2.2-4007.1 of the *Code of Virginia* and Executive Order 14 (2018). This memorandum addresses legal matters only and is not intended as a comment for or against the merits of the proposed regulations.

With regard to DMV's review, it is my legal opinion that DMV has both the statutory authority and implied authority to enact, amend, revise, and review the existing regulations governing overload permits.

Virginia Code § 38.2-2217 provides that DMV may establish courses for accident prevention for mature drivers; the section further provides that DMV may promulgate regulations governing such courses. In addition, Va. Code § 46.2-203 provides general statutory authority for DMV to promulgate regulations "necessary to carry out the laws administered by the Department." Such authority, by implication, includes the authority to modify, amend, and review such regulations as have been promulgated thereunder as is necessary to carry out DMV's duties.

Finally, I have reviewed the current regulations and confirm that the current regulations pose no current conflict to existing laws.

Sincerely,

A handwritten signature in black ink that reads "Janet W. Baugh".

Janet W. Baugh  
Senior Assistant Attorney General