



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

Mark R. Herring  
Attorney General

October 25, 2019

202 North Ninth Street  
Richmond, Virginia 23219  
804-786-2071  
Fax 804-786-1991  
Virginia Relay Services  
800-828-1120  
7-1-1

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

Re: Hauling Permit Regulations

Dear Ms. Velazquez:

At your request, I have reviewed the Department of Motor Vehicles' posting for periodic review of the Hauling Permit Regulations (24 VAC 20-81-10 through 24VAC 20-81-250) 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.

Article 18 of Chapter 10 of Title 46.2 of the Virginia Code (§§ 46.2- 1139 *et seq.*) provides that DMV may issue permits for hauling certain substances; this article further provides that DMV may promulgate regulations governing such permits. 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 cursive script that reads "Janet W. Baugh".

Janet W. Baugh  
Senior Assistant Attorney General