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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Department of Motor Vehicles
Virginia Administrative Code (VAC) Chapter citation(s)	24VAC20-81
VAC Chapter title(s)	Hauling Permit Regulation
Date this document prepared	August 24, 2020

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 (1VAC7-10), and the **Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code**.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

"DMV" means Department of Motor Vehicles.

Legal Basis

Identify (1) the promulgating agency, 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 agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

DMV regulations are promulgated under the general authority of § 46.2-203 of the Code of Virginia which grants DMV statutory authority to promulgate regulations "necessary to carry out the laws administered by the Department." Sections 46.2-1139 et seq. of the Code of Virginia

authorize DMV to issue permits that allow certain vehicles that exceed statutory weight or size limits to operate on the highway and authorize DMV to promulgate regulations governing such permits.

Alternatives to Regulation

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.

DMV staff considered whether to repeal, retain, or amend this regulation. The regulation is needed to clearly describe permitting requirements. Repealing, amending, and combining both chapters describing permitting requirements into a single chapter is the least burdensome alternative for achieving the purpose of the regulation. It is not overly complex, has no negative impact on the regulated community, and when repealed, amended, and combined, the regulation will not overlap, duplicate, or conflict with federal or state law or regulation.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response

No public comments were received on this regulation during the public comment period which began on March 18, 2019, and ended on April 8, 2019. The agency did not establish an informal advisory group for the purpose of assisting in the periodic review.

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, 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.

During this periodic review DMV determined that parts of the regulation set out in 24VAC20-81 are duplicative of or contradictory to the statutory requirements and should be repealed. Other portions of the regulation protect public health, safety, and welfare by providing a permitting process to evaluate when and where a vehicle which exceeds applicable size or weight limitations may be authorized to safely travel on the highways of the Commonwealth while also protecting members of the traveling public and the Commonwealth’s transportation infrastructure. The portions of the regulation determined to be necessary for the protection of

public health, safety and welfare will be amended and combined with portions of the Overload Permit Regulations, 24VAC20-80, to be clear written and easily understandable.

Decision

Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

The regulations were originally promulgated when DMV administered Overload Permit Regulations (24VAC20-80 et seq.) and the Virginia Department of Transportation administered the Hauling Permit Regulation (24VAC20-81 et seq.) The regulations have not undergone a complete revision since the authority to administer both types of permits was transferred to DMV. Consequently, the chapters are duplicative of each other and of existing statutes, and in some cases are contrary to current law. Retaining the current regulation would be inefficient, confusing, and duplicative. The decision to repeal the regulation, amend the necessary provisions, and combine them with the necessary provisions of 24VAC20-80 et seq. is made to avoid duplication, conform the regulations to current law, and to ensure the least burdensome process for permit applicants.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (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 applicable law, will minimize the economic impact of regulations on small businesses.

There is a continued need for the regulation to clearly describe when and where an overweight or oversize vehicle may be authorized to travel on the highways of the Commonwealth while protecting the traveling public and transportation infrastructure. However, parts of the regulation duplicate or contradict existing state law and other regulations. The regulation has not been substantially amended since 2007. DMV published a Notice of Periodic Review and received no comments during the public comment period. DMV has no knowledge as to the impact on small businesses; however, technology changes incorporated into any new regulation should make the permit process less complex and time consuming for permit applicants if 24VAC20-81 is repealed, amended, and replaced with a new regulation.

