



COMMONWEALTH of VIRGINIA

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May 19, 2019

William Childress
Virginia Motor Vehicle Dealer Board
2201 West Broad Street, Suite 104
Richmond Virginia 23220

Re: Motor Vehicle Dealer Advertising Practices and Enforcement Regulations

Dear Mr. Childress:

I have reviewed the Motor Vehicle Dealer Board's (MVDB) posting for periodic review of the Motor Vehicle Dealer Advertising Practices and Enforcement Regulations (24 VAC 22-30-20 through 24 VAC 22-30-60) 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 the MVDB's review, it is my legal opinion that the MVDB has both the statutory authority and implied authority to enact, amend, revise, and review the existing regulations governing motor vehicle dealer advertising practices and enforcement.

Virginia Code § 46.2-1581 provide that the MVDB is to ensure that licensed motor vehicle dealers use advertising that is honest, fair and that deceptive and misleading advertising is not used; Va. Code §46.2-1582 further provides that MVDB may promulgate regulations necessary to enforce motor vehicle dealer advertising. In addition, Va. Code § 46.2-1506 provides general statutory authority for the MVDB to promulgate regulations "necessary for the effective administration and enforcement of this chapter." 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 MVDB duties under Chapter 15 of Title 46.2 of the Virginia Code.

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

Sincerely,

Christian A. Parrish

Christian A. Parrish
Assistant Attorney General