



[townhall.virginia.gov](http://townhall.virginia.gov)

## Periodic Review and Small Business Impact Review Report of Findings

<b>Agency name</b>	Virginia Department of Motor Vehicles
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	24 VAC20-11
<b>VAC Chapter title(s)</b>	Public Participation Guidelines
<b>Date this document prepared</b>	

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), 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.*

n/a

## 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.*

Section 46.2-203 of the Code of Virginia grants the Department of Motor Vehicles Commissioner the authority to adopt reasonable administrative regulations necessary to carry out the laws administered by the Department.

Section 2.2-4007.02 of the Code of Virginia requires rulemaking agencies to develop, adopt, and use public participation guidelines.

**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.*

No alternative to this regulation is available, as § 2.2-4007.02 of the Code of Virginia requires rulemaking agencies to develop, adopt, and use public participation guidelines.

**Public Comment**

*Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency’s 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.*

Not applicable. No public comments were received during the public comment period.

**Effectiveness**

*Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.*

This regulation is required by Section 2.2-4007.02 of the Code and establishes the mechanisms by which the agency will advise the public of the agency’s regulatory actions. Notice of the agency’s regulatory actions assists in protecting the public’s welfare. The regulation is clearly 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).*

*If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.*

Section 2.2-4007.02 was amended via Chapter 795 of the 2012 Acts of Assembly to allow for interested persons to be accompanied by and represented by counsel or other representative when submitting data, views and information to an agency during the promulgation of regulations. The Department of Planning and Budget’s model public participation guidelines were accordingly amended. As the sole potential amendment is already reflected within the statutory provision of the Code of Virginia, the Department of Motor Vehicles determined any update to conform with the new version of the Department of Planning and Budget’s model public participation guidelines would be duplicative and unnecessary. The regulation

remain in effect without change because it is mandated by law and assists in notifying the public of the agency's regulatory actions.

### 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.*

The agency determined this regulation continues to be necessary as it is required by Section 2.2-4007.02 of the Code and establishes the mechanisms by which the agency will advise the public of the agency's regulatory actions. The agency has not received any substantive comments or complaints regarding this regulation. The regulation is not complex and is easily understood. The regulation does not overlap, duplicate, or conflict with federal or state law or regulation. No factors have changed since the regulation was promulgated that necessitate amending this regulation. This regulation places no economic burden on any small business.