



COMMONWEALTH of VIRGINIA
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Mr. Nicholas Megibow, Senior Policy Analyst
Virginia Department of Motor Vehicles
2300 West Broad Street
Richmond Virginia 23269

Re: Driver Training Schools- Class A Instructor License Requirements

Dear Mr. Megibow:

At your request, I have reviewed the Department of Motor Vehicles' posting for amendment of the regulations concerning driver training schools' Class A instructor license requirements (24 VAC 20-121-180). This memorandum addresses legal matters only and is not intended as a comment for or against the merits of the proposed regulations.

Virginia Code § 46.2-1703 provides statutory authority for DMV to promulgate regulations necessary to implement procedures for driver training schools. 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, repeal, and review such regulations as have been promulgated thereunder as is necessary to carry out DMV's duties. Moreover, Virginia Code § 2.2-4012.1 provides that an agency may amend or repeal regulations through a "fast-track" process if the changes are considered to be "noncontroversial."

With regard to DMV's action, it is my legal opinion that DMV has both the statutory authority and implied authority to enact, amend, revise, repeal, and review the existing regulations regarding class A driver training schools' instructor license requirements. With that in mind, I have reviewed the proposed repeal of these regulations and confirm that the proposed repeal of these regulations pose no current conflict to existing laws and appear to be non-controversial in nature.

Sincerely,

Janet W. Baugh

Janet W. Baugh
Senior Assistant Attorney General