



**COMMONWEALTH of VIRGINIA**  
*Office of the Attorney General*  
*Richmond 23219*

**Mark R. Herring**  
Attorney General

**MEMORANDUM**

**TO:** Col. W.S. Flaherty, Superintendent  
Department of State Police

**FROM:** Michael A. Jagels  
Senior Assistant Attorney General

**DATE:** October 25, 2016

**SUBJECT:** Motor Vehicle Safety Inspection Rules and Regulations – 19 VAC 30-70.

In response to a request from the Department of State Police, I have reviewed the proposed amendments to the regulations set forth in 19 VAC 30-70, relating to motor vehicle safety inspection rules and regulations. On September 22, 2016, the Virginia State Police adopted final amended regulations for 19 VAC 30-70, the Virginia Motor Vehicle Safety Inspection Rules and Regulations, to make supplemental technical corrections and to comply with Virginia statutory changes that have occurred since 2012. The changes will allow inspection station to maintain a copy of the regulations at the inspection site in either electronic or paper form. The changes also permit inspection stations to set appointments to conduct a vehicle inspection.

Upon review of the aforesaid amendments, I find them to be constitutional, consistent with the statutory authority conferred by § 46.2-1165 of the Code of Virginia, and in conformity with existing statutory provisions. These changes to the regulations are made pursuant to a customary police function of the Department and is therefore exempted from the requirements of the Administrative Process Act, pursuant to § 2.2-4002(B)(6).

*Please note that this memorandum is intended to provide legal interpretations and legal advice, not policy advice. To the extent that this communication may advise you that certain action is lawful, the decision whether to take such action remains a policy decision within the discretion of your agency and this communication should not be construed as a comment for or against the merits of such action.*