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

<b>Agency name</b>	Virginia Department of State Police
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	19 VAC 30-165
<b>VAC Chapter title(s)</b>	Regulations relating to standards and specifications for purple warning lights used by vehicles leading or escorting funeral processions
<b>Date this document prepared</b>	21 MAY 2024

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.*

"SAE" means the Society of Automotive Engineers.  
"VSP" or "Department" means the Department of State Police.

## 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 46.2-1025 (C) mandates that the Virginia State Police to develop standards and specifications for purple lights authorized for use by vehicles used to escort funeral processions. In addition § 52-4 lists “the adoption of standards for motor vehicle appliances” as a function of the Department.

## 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.*

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Pursuant to Executive Order 17 (2014) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Department of State Police is conducting a periodic review and small business impact review of VAC citation: 19 VAC30--165, title of regulation: Regulations relating to standards and specifications for purple warning lights used by vehicles leading or escorting funeral processions.

In reviewing these regulations, it was determined that the requirements set forth by the Department when they were initially adopted were unduly burdensome and effectively unenforceable. The standards originally developed required the funeral directors to determine whether the lights they purchased or had installed met the industry standards as developed by SAE. This determination, as well as any enforcement action would need to be based upon a scientific analysis of a specific light to determine if it was in compliance. Neither funeral directors or the Department have such capabilities.

The proper placement of the burden for compliance with industry standards is the industry itself. A light that is marked and warranted as being in compliance, or otherwise certified by the manufacturer, seller or installer as being in compliance places the burden where it belongs. Such a process makes it simpler for small business to comply and the Department to enforce.

The alternatives considered in this review were repealing the regulations, amending the regulation, or maintain the status quo.

- Maintaining the status quo would mean keeping a regulation that is both difficult to comply with and nearly impossible to enforce on the books. The current regulation places an undue burden on funeral directors requiring them to determine whether a piece of equipment they purchase complies with an industry standard they have nothing to do with. This approach was therefore rejected.
- The adoption of this regulation is mandated by § 46.2-1025, therefore the Department has no authority to repeal the regulation without a statutory change. This approach was therefore rejected.
- The amendment of the regulation to place the burden of complying with the applicable industry standards upon those who manufacture, sell, or install such lights was the most effective method of reducing administrative burdens. Such individuals are in the business of producing and selling equipment that meets industry standards and therefore best equipped to ensure compliance.

## 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.*

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Commenter	Comment	Agency response
None		

**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.*

The regulation as it exists, and the proposed amendments, are necessary to meet statutory requirements and help protect public safety by ensuring the appropriate color of safety and warning lights. The current regulations are overly complex, difficult to understand, and nearly impossible to comply with or enforce. The proposed amended the regulations will be easy to understand, comply with, and enforce.

**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.*

As a result of this periodic review the Department has determined that the regulation should be amended to place the burden of complying with the applicable industry standards upon those who manufacture, sell, or install such lights was the most effective method of reducing administrative burdens. Such individuals are in the business of producing and selling equipment that meets industry standards and therefore best equipped to ensure compliance.

**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 the 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 adoption of this regulation is mandated by § 26.2-1025 (C) therefore the Department has no choice but to retain the regulation in some form. There have been no complaints regarding nor any public comment regarding the existing regulation. Funeral homes order and install purple lights from dealers and manufacturers without regard to an overly complex regulation that is difficult to understand and nearly impossible to comply with or enforce. The industry, through SAE, has developed acceptable standards for the colors used in lighting equipment and, to be competitive, follows those requirements.

The ability of funeral directors, dealers, and installers, to rely on the warranty and/or certification by a manufacturer that their product complies with applicable industry standards places the burden of

compliance where it belongs. The amendments will make the regulation easy to comply with and enforce. This simplification will minimize the impact of this regulation on small business.

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