



COMMONWEALTH of VIRGINIA
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Angela Coleman
Executive Director, Commission on VASAP
1111 East Main St., Suite 801
Richmond, VA 23219

Re: Promulgation of new regulations governing the statewide Virginia Alcohol Safety Action Program system (24VAC 35-80)

Dear Ms. Coleman:

At your request, I have reviewed the Commission on Virginia Alcohol Safety Action Programs' (VASAP) posting for the Promulgation of new regulations governing the statewide Virginia Alcohol Safety Action Program system (24VAC 35-80). 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 VASAP's promulgation of 24 VAC 35-80, it is my legal opinion that VASAP has both the statutory authority and implied authority to promulgate these new regulations. Virginia Codes §§ 18.2- 271.1, 18.2-271.2 (general authority for VASAP to create, manage, supervise and certify local ASAPs to administer ignition interlock) provide this authority. The authority to enact, amend and repeal regulations regarding the creation, management, supervision and certification of local ASAPs would necessarily involve the promulgation of such regulations.

This letter confirms that I have reviewed the promulgation of these regulations and that I believe that the Commission on VASAP has statutory authority pursuant to Virginia Code to promulgate the regulations as proposed.

Sincerely,

Janet W. Baugh

Janet W. Baugh
Senior Assistant Attorney General