



**COMMONWEALTH of VIRGINIA**  
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MEMORANDUM

TO: Col. Gary Settle, Superintendent  
Department of State Police

FROM: Michael A. Jagels  
Senior Assistant Attorney General

DATE: August 3, 2018

SUBJECT: Motor Vehicle Safety Inspection Rules and Regulations; 19 VAC 30-70, et seq.

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 30-70-3, 19 VAC 30-70-4, 19 VAC 30-70-5, 19 VAC 30-70-6, 19 VAC 30-70-9.1, 19 VAC 30-70-10, 19 VAC 30-70-11, 19 VAC 30-70-30, 19 VAC 30-70-50, 19 VAC 30-70-60, 19 VAC 30-70-90, 19 VAC 30-70-120, 19 VAC 30-70-160, 19 VAC 30-70-210, 19 VAC 30-70-290, 19 VAC 30-70-350, 19 VAC 30-70-360, 19 VAC 30-70-580, and 19 VAC 30-70-660 relating to motor vehicle safety inspection rules and regulations.

Upon review of these 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. As expressed in an earlier memorandum, 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 a 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.*