



COMMONWEALTH of VIRGINIA
Office of the Attorney General
Richmond 23219

Jerry W. Kilgore
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
804-371-8947 TDD

MEMORANDUM

TO: The Honorable Bruce Gould, Executive Director
Motor Vehicle Dealer Board

FROM: Eric K. G. Fiske
Senior Assistant Attorney General

DATE: November 21, 2006

SUBJECT: Statutory Authority to Amend the Regulation Governing
Motor Vehicle Dealer Board Fees

You have asked for a letter of assurance from this Office that the Motor Vehicle Dealer Board ("Dealer Board") has statutory authority to amend 24 VAC 22-20 (Motor Vehicle Dealer Board Fees). I have reviewed the above-referenced proposed amendment of an existing regulation relating to increasing the fees charged to license motor vehicle dealers and salespersons.

It is my opinion that the Dealer Board has statutory authority to promulgate regulations governing any matter not inconsistent with the provisions of the motor vehicle dealer licensing laws found in Title 46.2, Chapter 15 pursuant to the provisions of Va. Code § 46.2-1506 (general authority to adopt regulations).

Because the authority to promulgate regulations pursuant to that Code section, I believe that the Dealer Board may amend its existing regulations relating to motor vehicle dealer fees and salesperson fees in a manner as you propose. If any other questions arise, please do not hesitate to contact me.

