



COMMONWEALTH of VIRGINIA

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MEMORANDUM

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

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

DATE: June 3, 2009

SUBJECT: Statutory Authority to Promulgate Regulations Governing
Mandatory Continuing Education For Independent Motor Vehicle Dealers

I have reviewed the above-referenced Independent Motor Vehicle Dealer Dealer-Operator Training and Recertification Regulations for the Motor Vehicle Dealer Board (“Dealer Board”), which are new regulations that will appear at 24 VAC 22-40.

In my capacity of legal counsel for the Dealer Board, 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) and Va. Code § 46.2-1506.1 (authority to adopt regulations for additional training).

Because the authority to promulgate regulations pursuant to those Code sections, I believe that the Dealer Board may promulgate regulations relating to mandatory continuing education for independent (used) motor vehicle dealers in a manner as you propose. If any other questions arise, please do not hesitate to contact me.