



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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Attorney General

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Ms. Melissa Velazquez
Virginia Department of Motor Vehicles
2300 West Broad Street
Richmond Virginia 23269

Re: Driver Training Schools Regulations

Dear Ms. Velazquez:

The Department of Motor Vehicles (DMV) has asked for a letter of assurance from this Office that DMV has statutory authority to review, enact, and/ or amend regulations dealing with driver training schools (24VAC20-121-10 through 24 VAC20-121-220).

With regard to DMV's proposal, it is my opinion that DMV has both the statutory authority and implied authority to enact, amend, revise, and review the existing regulations governing driver training school, pursuant to the provisions of Va. Code § 46.2-1703 (authority to promulgate regulations necessary to implement procedures for driver training schools). Because the authority to promulgate regulations pursuant to this Code section is mandatory, such authority, by implication, includes the authority to modify, amend, and review such regulations as have been promulgated thereunder as is necessary to carry out DMV's duties. Moreover, this review action is mandated by Governor's Executive Order Number 14 (2018). Finally, I have reviewed the current regulations and confirm that there exists no conflict with current state or federal law.

In summary, this letter confirms that I have reviewed the current regulations and that I believe that the DMV has statutory authority pursuant to Virginia Code §§ 2.2-4017 and 46.2-1703 to review these regulations and revise and/or amend them as necessary. In addition, the current regulations pose no current conflict to existing laws.

Sincerely,

A handwritten signature in cursive script that reads "Janet W. Baugh".

Janet W. Baugh
Senior Assistant Attorney General