



[townhall.virginia.gov](http://townhall.virginia.gov)

## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Commission on Virginia Alcohol Safety Action Program
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	24VAC35-90
<b>VAC Chapter title(s)</b>	Intelligent Speed Assistance Program Regulation
<b>Action title</b>	Promulgation of Intelligent Speed Assistance Program Regulation
<b>Date this document prepared</b>	July 1, 2026

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).*

The Commission on the Virginia Alcohol Safety Action Program (VASAP) proposes to promulgate 24VAC35-90, Intelligent Speed Assistance Program Regulation, to establish a statewide regulatory framework governing the administration and operation of Virginia's Intelligent Speed Assistance Program (ISAP). The proposed regulations establish standards governing intelligent speed assistance device approval, service provider certification, offender participation, installation and maintenance procedures, monitoring and reporting requirements, and program oversight.

The proposed regulatory action is intended to support public safety objectives by establishing consistent statewide standards for the use of an intelligent speed assistance device designed to limit excessive speeding and monitor compliance with court-ordered or Department of Motor Vehicles-required speed management programs. The regulations further establish operational, technical, and administrative requirements necessary to ensure reliable service delivery, accountability, offender monitoring, and program integrity.

## Acronyms and Definitions

*Define all acronyms or technical definitions used in this form.*

---

"Commission" means the Commission on Virginia Alcohol Safety Action Program (VASAP), as established pursuant to § 18.2-273.2 of the Virginia Code, or its designee.

"Department" means the Department of Motor Vehicles.

"Device" means an intelligent speed assistance device.

"ISAP" Intelligent Speed Assistance Program.

"Intelligent speed assistance system" means a system that limits the speed at which a motor vehicle is capable of traveling based on the applicable speed limit where such motor vehicle is being operated. The intelligent speed assistance system is synonymous with intelligent speed assistance device as it pertains to this chapter.

"Local alcohol safety action program" or "local ASAP" means a program established pursuant to § 18.2-273.4 of the Code of Virginia that provides probation, education, and rehabilitation services for persons referred by a court, the department, or any other source approved by the commission.

"Offender" means the individual required by the court, or the department, to enroll in and successfully complete the intelligent speed assistance program.

"Program" means the Intelligent Speed Assistance Program established pursuant to § 46.2-507 of the Code of Virginia. ISAP is synonymous with Intelligent Speed Assistance Program as it pertains to this document.

"Service provider" means an entity that provides installation, maintenance, and removal services of such devices and provides reporting related to device activity to the commission or local ASAPs. A "service provider" may also be the supplier or manufacturer of the device.

"Technician" means a service provider employee who installs, services, or removes intelligent speed assistance devices.

## Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation, (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

---

Per Virginia Code § 46.2-507, the Commission shall promulgate such regulations and forms as are necessary to implement the Intelligent Speed Assistance Program.

This regulatory action is initiated by Virginia Code § 46.2-507 to administer and oversee Virginia's Intelligent Speed Assistance Program and to promulgate regulations governing intelligent speed assistance devices, service providers, and offender participation.

The impetus for this action is the establishment of a new statewide program utilizing intelligent speed assistance technology to address dangerous speeding behavior and improve highway safety outcomes. The proposed regulations are necessary to establish uniform statewide standards governing device certification, provider qualifications, installation and maintenance procedures, offender monitoring, enforcement, and program administration.

The regulations are further intended to ensure that intelligent speed assistance services remain reliable, accessible, and technologically effective while maintaining appropriate safeguards related to public safety, offender privacy, service quality, and accountability.

### Legal Basis

*Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.*

---

The promulgating agency is the Commission on the Virginia Alcohol Safety Action Program.

Legal authority for this regulatory action is found in §§18.2-273.2, 18.2-273.3, 46.2-506, and 46.2-507 of the Code of Virginia, which authorize the Commission to administer and oversee statewide programs relating to offender monitoring and rehabilitation, approve and regulate intelligent speed assistance services, establish standards governing service providers and devices, and promulgate regulations necessary to implement program requirements.

Additional statutory authority includes related provisions of the Code of Virginia governing court-ordered and administratively required intelligent speed assistance referrals, including §§46.2-393, 46.2-394, 46.2-398, and 46.2-865. The proposed regulations also reflect the expanded oversight and administrative authority of the Commission established through Chapter 686 and Chapter 687 of the 2026 Acts of Assembly (HB862/SB391).

### Purpose

*Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.*

---

The Commission has determined that these regulations are necessary to protect the public health, safety, and welfare by establishing a consistent statewide framework for the administration of intelligent speed assistance technology and services. Excessive speed and reckless driving present significant public safety concerns.

The proposed regulations establish safeguards designed to ensure that intelligent speed assistance devices operate reliably, that offenders are monitored consistently, and that service providers meet appropriate standards for professionalism, technical competency, confidentiality, and accountability.

## Substance

*Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.*

---

The proposed regulations establish a new statewide regulatory framework governing Virginia's Intelligent Speed Assistance Program and include both technical and substantive provisions.

Substantive provisions under consideration include:

1. Establishing definitions and terminology governing intelligent speed assistance devices, offender participation, and program administration.
2. Creating statewide standards governing referrals into the Intelligent Speed Assistance Program and enrollment procedures for offenders ordered by courts or the Department.
3. Establishing procurement, approval, and contracting requirements for intelligent speed assistance service providers, including restrictions on subcontracting and statewide service accessibility requirements.
4. Creating certification and inspection requirements for intelligent speed assistance service facilities, including operational, confidentiality, accessibility, and workplace standards.
5. Establishing device certification requirements and technical specifications governing intelligent speed assistance devices and minimum performance standards.
6. Establishing certification standards and examination requirements for service provider technicians and state directors, including application, renewal, suspension, and revocation procedures.
7. Creating Commission authority and procedures relating to suspension or revocation of device or facility certification when public safety, compliance, or operational concerns arise.
8. Establishing procedures governing intelligent speed assistance device installation, maintenance, and removal.
9. Establishing general service provider requirements relating to customer service, staffing, training, information technology systems, cybersecurity protections, complaint resolution, and reporting obligations.
10. Establishing offender and service provider fee structures, indigency fund requirements, and administrative fee provisions.

These regulations are intended to provide a comprehensive and consistent statewide framework supporting effective operation and oversight of Virginia's Intelligent Speed Assistance Program.

## Alternatives to Regulation

*Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small*

*businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.*

---

There are no alternatives as creation of these regulations by the Commission on VASAP is a Virginia Code requirement. The proposed regulations are intended to represent the least burdensome regulatory approach consistent with statutory requirements and public safety objectives while maintaining necessary standards for program integrity, statewide accessibility, and offender accountability.

### **Periodic Review and Small Business Impact Review Announcement**

*If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and the ORM procedures), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify it as necessary for your agency. Otherwise, delete the paragraph below and insert “This NOIRA is not being used to announce a periodic review or a small business impact review.”*

This NOIRA is not being used to announce a periodic review or a small business impact review.

### **Public Participation**

*Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below. In addition, as required by § 2.2-4007.02 of the Code of Virginia, describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.*

---

#### **INSERT:**

The Commission on VASAP is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, and (iii) the potential impacts of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>.

Comments may also be submitted by mail, email or fax to:

Rosario Carrasquillo  
Commission on VASAP  
1111 E. Main St. Suite 801  
Richmond, VA 23219  
(804) 786-5895  
(804) 786-6286 (FAX)  
[Rosario.carrasquillo@vasap.virginia.gov](mailto:Rosario.carrasquillo@vasap.virginia.gov)

In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of the proposed stage of this regulatory action.