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Proposed Regulation Agency Background Document

Agency name	Commission on Virginia Alcohol Safety Action Program (VASAP)
Virginia Administrative Code (VAC) Chapter citation(s)	24 VAC35-90
VAC Chapter title(s)	Intelligent Speed Assistance Program Regulation
Action title	New Regulations covering Intelligent Speed Assistance Program
Date this document prepared	August 27, 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 this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the 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 used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

"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

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

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, the substantive changes to existing sections, or both. A more detailed discussion is provided in the “Detail of Changes” section below.

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.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

The bill establishes the Intelligent Speed Assistance Program (ISA), requiring certain offenders to install technology that limits vehicle speed based on applicable speed limits. This can reduce dangerous speeding, reckless driving, and related crashes, thereby improving public safety. The Commission on VASAP is empowered to create regulations, certify systems, administer a funding mechanism for indigent participants, and oversee statewide deployment. This centralizes oversight and supports consistent implementation.

Courts are allowed to order ISA enrollment instead of suspending a driver's license for certain reckless driving convictions. This permits individuals to retain limited driving privileges—such as through a restricted license—while still ensuring safety.

ISA devices record speed exceedances and tampering attempts therefore creating transparency and discouraging repeat violations.

There are no disadvantages noted to the public or the Commonwealth.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. “Particularly affected” are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

The regulatory change creates an entirely new regulatory chapter (24VAC35-90) requiring the Commission to develop, administer, certify, oversee, enforce, and maintain the statewide Intelligent Speed Assistance Program. This includes device certification, service provider approval, facility certification, fee administration, data-management oversight, complaint and noncompliance processing, emergency declarations, and development of exams and training programs.

Local courts that order individuals to install the ISA device instead of suspension may experience increased activity due to noncompliance hearings. It is anticipated that the use of the ISA device will reduce dangerous speeding, reckless driving, and related crashes, thereby improving public safety.

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits) anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Impact on State Agencies

<i>For your agency:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources.	The Commission on VASAP will receive \$10 per month for each intelligent speed assistance device monitoring service, paid to the Commission by the service provider from fees charged to the offender.
<i>For other state agencies:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.	n/a
<i>For all agencies:</i> Benefits the regulatory change is designed to produce.	Improved highway safety and probationary supervision of offenders.

Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

Projected costs, savings, fees, or revenues resulting from the regulatory change.	n/a
Benefits the regulatory change is designed to produce.	Provides judges with another option instead of license suspension. In lieu of suspension individuals will be able to install an ISA device and drive when and where they desire.

Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	Business that qualify to provide intelligent speed assistance device monitoring service may profit.
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Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated, and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	Intelligent speed assistance program services are restricted to the authorized service provider; therefore, subcontractors are not permitted to provide ISA services. It is estimated that each service provider will need 20 to 25 service centers to provide adequate statewide coverage.
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	Service providers desiring to conduct business in the Commonwealth would be required to pay the following proposed fees to the Commission on VASAP: \$250 nonrefundable application fee \$75 annual review fee for each intelligent speed assistance service facility \$250 retest fee each and every time a service provider employee is required to take a second or subsequent Virginia Intelligent Speed Assistance Certification Exam due to an unsuccessful attempt on a prior exam \$10 monthly intelligent speed assistance administrative fee for each offender. \$1000 fee per each new intelligent speed assistance device certification application submitted to the commission that was not previously certified in Virginia. Service providers may charge monitored offenders up to: \$100 to install an intelligent speed assistance device \$75 to transfer an intelligent speed assistance device from one vehicle to another \$130 per month, plus applicable taxes, for intelligent speed assistance device leasing and maintenance (includes the monthly administrative fee). Effective July 1, 2027, this fee will increase to \$140 per month due to camera installation \$8.00 per month for optional insurance to cover theft or accidental damage to the intelligent speed assistance device and its components - An amount of 20% over the actual replacement cost of the intelligent speed assistance device and its components when theft or accidental damage occurs and the offender has not purchased the optional insurance; \$50 plus mileage calculated at Virginia's mileage rate in effect at the time, not to exceed 100 miles, for service calls \$35 for missed appointments \$50 per hour, not to exceed four total hours, for repairs and reinstallation of the intelligent speed assistance device when the commission

	determines that the offender illegally tampered with the device \$50 recall fee \$50 lock-out override fee in instances where an intelligent speed assistance device prevents the vehicle, in which the device is installed, from accelerating due to failure by the offender to bring the vehicle in at least every 60 days for inspection or within the device recall time activated by the service provider for power loss or bypassing, tampering, circumvention, or speed exceedance events detected by the service provider. Service providers are required to have a facility to perform all services. This can be rented or owned. The service center must be capable of securing all client files (e.g., Locked file cabinets) to secure the maintenance of customer confidentiality. A service center must be in place and all applicable fees paid prior to conducting business.
Benefits the regulatory change is designed to produce.	Improved highway safety.

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.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing

performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

The Commission on VASAP is charged by statute with promulgating uniform regulations for the Commonwealth's intelligent speed assistance program. Alternative regulatory methods, less stringent requirements, or exemptions for small businesses are not feasible as consistent statewide standards are vital to public safety and statutory compliance.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Periodic Review and Small Business Impact Review Report of Findings

If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in EO 19 and the ORM procedures, e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable. In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

This form is not being used to report the results of a periodic review/ small business impact review.

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency's response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

Commenter	Comment	Agency response

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.

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

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 this stage of this regulatory action.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between the existing VAC Chapter(s) and the proposed regulation. If the existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements

If a new VAC Chapter(s) is being promulgated and is not replacing an existing Chapter(s), use Table 2.

Table 2: Promulgating New VAC Chapter(s) without Repeal and Replace

New chapter-section number	New requirements to be added to VAC	Other regulations and laws that apply	Change, intent, rationale, and likely impact of new requirements
24VAC35-90	Intelligent Speed Assistance Program Regulation		Establishes the intelligent speed assistance program.
24VAC35-90-10	Definitions		Provides relevant definitions for clarifying the contents of the regulations.
24VAC35-90-20	Intelligent speed assistance program referrals		States when intelligent speed assistance devices are required.
24VAC35-90-30	Approval of service providers		Explains the requirements service providers of intelligent speed assistance devices meet in order to contract for the provision of services in Virginia.
24VAC35-90-40	Intelligent speed assistance service facility certification.		Outlines the requirements intelligent speed assistance service facilities must meet in order to open and remain in business.
24VAC35-90-50	Intelligent speed assistance device specification and certification		Explain what hardware and software specifications must be met for an intelligent speed assistance device certified use in Virginia.
24VAC35-90-60	Service provider technician and state director certification		Explains the prerequisites for qualifying to be intelligent speed assistance monitoring service provider technician or state director, to include the certification testing process.
24VAC35-90-70	Suspension or revocation of intelligent speed assistance device or service facility certification		Lists the reasons an intelligent speed assistance device or service facility may lose its certification.
24VAC35-90-80	Intelligent speed assistance device installation		Requires that devices are installed safely, consistently, and securely. Offenders must be authorized and enrolled before installation, vehicles must pass a pre-installation inspection, and devices must be wired with tamper-resistant methods. Service providers must give clear training on how the device works and follow strict timelines and reporting requirements.

24VAC35-90-90	Maintenance of intelligent speed assistance devices		Explains the process and procedures for maintenance of the intelligence speed assistance device.
24VAC35-90-100	Intelligent speed assistance device removal		Explains the process and procedures for removal and retrieval of the intelligent speed assistance device
24VAC35-90-110	General service provider requirements		Lists general requirements for service providers to follow.
24VAC35-90-120	Fees		Establishes the fees service providers must pay if they desire to conduct intelligent speed assistance monitoring business in the state. Outlines the fees that service providers may charge offenders.
24VAC35-90-130	Program requirements and violations		Lists offender requirements and when the offender is in violation of their intelligent speed assistance requirement.
24VAC35-90-140	Emergency declarations		Provides for flexibility in the regulatory requirements in the event of a declared state of emergency.

If the regulatory change is replacing an **emergency regulation**, and the proposed regulation is identical to the emergency regulation, complete Table 1 and/or Table 2, as described above.

If the regulatory change is replacing an **emergency regulation**, but changes have been made since the emergency regulation became effective, also complete Table 3 to describe the changes made since the emergency regulation.

Table 3: Changes to the Emergency Regulation

Emergency chapter-section number	New chapter-section number, if applicable	Current <u>emergency</u> requirement	Change, intent, rationale, and likely impact of new or changed requirements since emergency stage