



Virginia  
Regulatory  
Town Hall

## Proposed Regulation Agency Background Document

<b>Agency Name:</b>	Department of State Police
<b>VAC Chapter Number:</b>	19 VAC 30-65
<b>Regulation Title:</b>	Regulations Relating to Safety Inspector Certification
<b>Action Title:</b>	Include regulations that have historically been administered through Department of State Police Directives
<b>Date:</b>	05/17/2000

This information is required pursuant to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99), and the *Virginia Register Form, Style and Procedure Manual*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

### Summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The proposed regulation is being established to specify the requirements for a mechanic to be certified as a Safety Inspector. These requirements have historically been regulated through Department of State Police Directives.

## Basis

*Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.*

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The Department of State Police has been delegated regulatory authority to promulgate the regulations pursuant to the provisions of §46.2-1063 and § 46.2-1166 of the Code of Virginia. The Office of the Attorney General has certified that the Department of State Police has the statutory authority to promulgate the proposed regulation and that the regulation comports with applicable state and/or federal law.

## Purpose

*Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.*

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The Safety Inspection process has been integral to the Department of State Police since 1932. The primary purpose for the regulations is to ensure that the safety equipment on motor vehicles is not defective, which impacts the health, welfare, and protection of the public-at-large by reducing motor vehicle crashes caused by defective equipment. These regulations have a significant impact upon the citizenry of the Commonwealth and are beneficial for their health, safety, and welfare.

## Substance

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the regulatory action's changes.*

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Currently, regulations governing the certification of Safety Inspectors are disseminated by

administrative directives from the State Police Safety Officer. The Department of State Police believes that the promulgation of these regulations via the Administrative Process Act will be an advantage to the public by providing information to interested citizens concerning Virginia's Official Inspection Program. These regulations will provide no primary disadvantages to the public.

## Issues

*Please provide a statement identifying the issues associated with the proposed regulatory action. The term "issues" means: 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, please include a sentence to that effect.*

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These regulations will provide relevant information to the public describing the process and testing procedures that a mechanic must complete before being certified as a Safety Inspector.

## Fiscal Impact

*Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency's best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.*

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Since these regulations are identical to those disseminated to Certified Safety Inspectors via administrative directives, new burdens will not be imposed on any entity nor become more intrusive than existing directives.

## Detail of Changes

*Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or cross-walk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.*

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This proposed regulation is new and therefore, reflects no change.

**Alternatives**

*Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.*

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Establishment of the regulation is the only alternative that meets the essential purpose of the action.

**Public Comment**

*Please summarize all public comment received during the NOIRA comment period and provide the agency response.*

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No public comments were received.

**Clarity of the Regulation**

*Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.*

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The agency has carefully reviewed the regulation and has determined it to be clearly written and easily understandable by law enforcement officials, citizens, and public businesses involved in the Official Safety Inspection Program.

**Periodic Review**

*Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.*

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This regulation will be reviewed and re-evaluated by July 1, 2003 and each three years thereafter to determine if the regulation should be continued, amended, or terminated.

**Family Impact Statement**

*Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their*

*children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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This proposed regulatory action will have no potential impact on the institution of the family and family stability.