

## Chapter 41. Virginia Register Act.

### § 2.2-4100. Short title; purpose of chapter; declaration of policy.

A. This chapter shall be known and may be cited as the "Virginia Register Act."

B. It is the purpose of this chapter to satisfy the need for public availability of information respecting the regulations of state agencies. Nothing in this chapter contemplates or is designed to limit or impede the present or future making, amendment, or repeal of regulations by administrative agencies. It is declared to be the policy of the Commonwealth to encourage, facilitate, and assist agencies in developing regulations that will inform the public of the requirements, policies, and procedures of the administrative authorities of the State.

1973, c. 535, §§ 9-6.15, 9-6.22; 1975, c. 502; 2001, c. 844.

### § 2.2-4101. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Agency" means any authority, instrumentality, officer, board, or other unit of the government of the Commonwealth with express or implied authority to issue regulations other than the General Assembly, courts, municipal corporations, counties, other local or regional governmental authorities including sanitary or other districts and joint state-federal, interstate or intermunicipal authorities, the Virginia Resources Authority, the Virginia Code Commission with respect to minor changes made under the provisions of § 30-150, and educational institutions operated by the Commonwealth with respect to regulations that pertain to (i) their academic affairs; (ii) the selection, tenure, promotion and disciplining of faculty and employees; (iii) the selection of students; and (iv) rules of conduct and disciplining of students.

"Virginia Administrative Code" means the codified publication of regulations under the provisions of Chapter 15 (§ 30-145 et seq.) of Title 30.

"Commission" means the Virginia Code Commission.

"Guidance document" means any document developed by a state agency or staff that provides information or guidance of general applicability to the staff or public to interpret or implement statutes or the agency's rules or regulations, excluding agency minutes or documents that pertain only to the internal management of agencies. Nothing in this definition shall be construed or interpreted to expand the identification or release of any document otherwise protected by law.

"Registrar" means the Registrar of Regulations appointed as provided in § 2.2-4102.

"Rule" or "regulation" means any statement of general application, having the force of law, affecting the rights or conduct of any person, promulgated by an agency in accordance with the authority conferred on it by applicable basic laws.

"Virginia Register of Regulations" means the publication issued under the provisions of Article 6 (§ 2.2-4031 et seq.) of the Administrative Process Act (§ 2.2-4000 et seq.).

1973, c. 535, § 9-6.16; 1975, c. 502; 1982, c. 489; 1984, c. 5; 1985, cc. 67, 602; 1993, c. 669; 1997, cc. 11, 87; 2001, c. 844.

**§ 2.2-4102. Registrar of Regulations; personnel, facilities and services; publications.**

The Commission shall engage or appoint on a contract, part-time, or annual basis a professionally experienced or trained Registrar of Regulations. Under the direction of the Commission, the Registrar shall, at a suitable place to be designated by the Commission, perform the duties required by this chapter or assigned by the Commission in accordance with this chapter or Chapter 15 (§ 30-145 et seq.) of Title 30. The Commission shall as necessary also (i) appoint clerical or other personnel if any, (ii) arrange by contract or otherwise for the necessary facilities and services, and (iii) provide for the compilation and publication of the Virginia Register of Regulations and the Virginia Administrative Code pursuant to §§ 2.2-4031 and 30-146

1973, c. 535, § 9-6.17; 1975, c. 502; 1982, c. 489; 1984, c. 5; 1992, c. 216; 1993, c. 669; 1997, c. 87; 2001, c. 844; 2003, c. 212.

**§ 2.2-4103. Agencies to file regulations with Registrar; other duties; failure to file.**

It shall be the duty of every agency to have on file with the Registrar the full text of all of its currently operative regulations, together with the dates of adoption, revision, publication, or amendment thereof and such additional information requested by the Commission or the Registrar for the purpose of publishing the Virginia Register of Regulations and the Virginia Administrative Code. Thereafter, coincidentally with the issuance thereof, each agency shall from day to day so file, date, and supplement all new regulations and amendments, repeals, or additions to its previously filed regulations. The filed regulations shall (i) indicate the laws they implement or carry out, (ii) designate any prior regulations repealed, modified, or supplemented, (iii) state any special effective or terminal dates, and (iv) be accompanied by a statement or certification, either in original or electronic form, that the regulations are full, true, and correctly dated. No regulation or amendment or repeal thereof shall be effective until filed with the Registrar.

Orders condemning or closing any shellfish, finfish or crustacea growing area and the shellfish, finfish or crustacea located thereon pursuant to Article 2 (§ 28.2-803 et seq.) of Chapter 8, of Title 28.2, which are exempt from the requirements of the Administrative Process Act (§ 2.2-4000 et seq.) as provided in subsection B of § 2.2-4002, shall be effective on the date specified by the promulgating agency. Such orders shall continue to be filed with the Registrar either before or after their effective dates in order to satisfy the need for public availability of information respecting the regulations of state agencies.

An order setting a date of closure for the Chesapeake Bay purse seine fishery for Atlantic menhaden for reduction purposes pursuant to § 28.2-1000.2, which is exempt from the requirements of the Administrative Process Act as provided by subsection A of § 2.2-4002, shall be effective on the date specified. Such orders shall be filed with the Registrar for prompt publication.

In addition, each agency shall itself (i) maintain a complete list of all of its currently operative regulations for public consultation, (ii) make available to public inspection a complete file of the full texts of all such regulations, and (iii) allow public copying thereof or make copies available either without charge, at cost, or on payment of a reasonable fee. Each agency shall also maintain as a public record a complete file of its regulations that have been superseded on and after June 1, 1975.

It shall be the duty of every agency to annually file with the Registrar for publication in the

Virginia Register of Regulations a list of any guidance documents upon which the agency currently relies. The filing shall be made on or before January 1 of each year in a format to be developed by the Registrar. Each agency shall also (i) maintain a complete list of all of its currently operative guidance documents and make such list available for public inspection, (ii) make available for public inspection the full texts of all such guidance documents to the extent such inspection is permitted by law, and (iii) upon request, make copies of such lists or guidance documents available without charge, at cost, or on payment of a reasonable fee.

Where regulations adopt textual matter by reference to publications other than the Federal Register or Code of Federal Regulations, the agency shall (i) file with the Registrar copies of the referenced publications, (ii) state on the face of or as notations to regulations making such adoptions by reference the places where copies of the referred publications may be procured, and (iii) make copies of such referred publications available for public inspection and copying along with its other regulations.

Unless he finds that there are special circumstances requiring otherwise, the Governor, in addition to the exercise of his authority to see that the laws are faithfully executed, may, until compliance with this chapter is achieved, withhold the payment of compensation or expenses of any officer or employee of any agency in whole or part whenever the Commission certifies to him that the agency has failed to comply with this section or this chapter in stated respects, to respond promptly to the requests of the Registrar, or to comply with the regulations of the Commission.

1973, c. 535, § 9-6.18; 1975, c. 502; 1982, c. 489; 1989, c. 299; 1997, cc. 11, 87; 2001, c. 844; 2007, c. 41; 2010, cc. 178, 407, 728.

#### **§ 2.2-4104. Duties of Commission in compiling Virginia Administrative Code and Register.**

The Commission, through the Registrar and otherwise as it directs, may in the course of the work of compiling and maintaining the Virginia Administrative Code and the Register:

1. In writing at any time call upon all agencies to submit to the Registrar one or more copies of all existing regulations as well as all subsequent amendments, repeals, additions, or new regulations. However, this subdivision shall not affect the duty of agencies to comply with § 2.2-4103 without calls or reminders;
2. Advise agencies as to the form and style of their regulations as well as the codification thereof; and
3. Formulate and issue, without reference to or limitation by the requirements of the Administrative Process Act (§ 2.2-4000 et seq.), general or special regulations respecting the nature and content of the Virginia Administrative Code, making exceptions thereto, supplementing or limiting the duties of agencies hereunder, and otherwise carrying out the purposes of this chapter.

1973, c. 535, § 9-6.20; 1975, c. 502; 1982, c. 489; 1984, c. 5; 1993, c. 669; 2001, c. 844.

RIS Users List - Register of Regulations

<b>Board of Accountancy</b>
<b>Dept of Accounts</b>
<b>Dept for Aging and Rehabilitative Services</b>
<b>Dept of Agriculture and Consumer Services</b>
<b>Commission on Virginia Alcohol Safety Action Program</b>
<b>Dept of Alcoholic Beverage Control</b>
<b>Virginia Commission for the Arts</b>
<b>Office of the Attorney General/Dept of Law</b>
<b>Auditor of Public Accounts</b>
<b>Dept of Aviation</b>
<b>Board of Bar Examiners</b>
<b>Dept of Behavioral Health and Developmental Services</b>
<b>Dept for the Blind and Vision Impaired</b>
<b>Office of Children's Services (CSA)</b>
<b>Christopher Newport University</b>
<b>Virginia Community College System</b>
<b>Compensation Board</b>
<b>Dept of Conservation and Recreation</b>
<b>State Corporation Commission</b>
<b>Dept of Corrections</b>
<b>Dept of Criminal Justice Services</b>
<b>Dept for the Deaf and Hard-of-Hearing</b>
<b>Virginia School for the Deaf and the Blind</b>
<b>Virginia Economic Development Partnership</b>
<b>Dept of Education</b>
<b>Dept of Elections (State Board of...)</b>
<b>Dept of Emergency Management</b>
<b>Virginia Employment Commission</b>
<b>Dept of Environmental Quality</b>
<b>Dept of Fire Programs</b>
<b>Dept of Forensic Science</b>
<b>Dept of Forestry</b>
<b>Dept of Game and Inland Fisheries</b>
<b>Dept of General Services</b>
<b>George Mason University</b>
<b>Dept of Health</b>
<b>Dept of Health Professions</b>
<b>State Council of Higher Education for Virginia</b>
<b>Dept of Historic Resources</b>
<b>Dept of Housing and Community Development</b>
<b>Virginia Housing Development Authority</b>

Dept of Human Resource Management
Virginia Indigent Defense Commission
Office of the State Inspector General
James Madison University
Jamestown-Yorktown Foundation
Judicial Inquiry and Review Commission
Dept of Juvenile Justice
Dept of Labor and Industry
Library of Virginia
Longwood University
Virginia Lottery
Marine Resources Commission
Dept of Medical Assistance Services
Dept of Military Affairs
Dept of Mines, Minerals and Energy
Motor Vehicle Dealer Board
Dept of Motor Vehicles
Norfolk State University
Old Dominion University
Virginia Board for People with Disabilities
Dept of Planning and Budget
Dept of Professional and Occupational Regulation
Virginia Racing Commission
Radford University
Dept of Rail and Public Transportation
Dept of Small Business and Supplier Diversity
Dept of Social Services
State Certified Seed Board
Dept of State Police
Dept of Taxation
Secretary of Technology
Dept of Transportation
Dept of the Treasury
University of Mary Washington
University of Virginia
Dept of Veterans Services
Virginia Code Commission
Virginia Commonwealth University
Virginia Information Technologies Agency
Virginia Military Institute
Virginia Museum of Fine Arts
Virginia Outdoors Foundation
Virginia Polytechnic Institute and State University

<b>Virginia Port Authority</b>
<b>Virginia Resources Authority</b>
<b>Virginia Retirement System</b>
<b>Virginia State Bar</b>
<b>Virginia State University</b>
<b>The College of William and Mary</b>
<b>Workers' Compensation Commission</b>

## **Agency Directory - Virginia.gov**

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[Dabney S Lancaster Community College](#)  
[Danville Community College](#)  
[Deaf and Hard of Hearing, Department for the](#)  
[Eastern Shore Community College](#)

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Emergency Management, Department of  
Emergency Medical Services  
Employment Commission, Virginia  
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Finance, Secretary of  
Fire Programs, Department of  
Forensic Science, Department of  
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Freedom of Information Advisory Council, Virginia  
Frontier Culture Museum  
Game and Inland Fisheries, Department of  
General Assembly, Virginia  
General District Court  
General Services, Department of  
George Mason University  
Germanna Community College  
Governor  
Gunston Hall Plantation  
Health and Human Resources, Secretary of  
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Human Resource Management, Department of  
Indigent Defense Commission, Virginia  
J Sargeant Reynolds Community College  
James Madison University  
Jamestown-Yorktown Commemorations  
Jamestown-Yorktown Foundation  
John Tyler Community College  
Joint Commission on Health Care  
Joint Legislative Audit and Review Commission (JLARC)  
Judicial Inquiry and Review Commission



Juvenile Justice, Department of  
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Richard Bland College

Science Museum of Virginia  
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Virginia Commonwealth University  
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Virginia Highlands Community College  
Virginia Information Technologies Agency  
Virginia Military Institute  
Virginia National Guard  
Virginia Parole Board  
Virginia Polytechnic Institute and State University  
Virginia Retirement System  
Virginia School for the Deaf and Blind

Virginia Small Business Financing Authority  
Virginia State Police  
Virginia State University  
Virginia War Memorial  
Virginia Western Community College  
Wilson Workforce and Rehabilitation Center  
Workers' Compensation Commission, Virginia  
Wytheville Community College