

# VIRGINIA ACTS OF ASSEMBLY -- 2009 SESSION

## CHAPTER 85

*An Act to require the review of the feasibility of electronic submission of regulations during the promulgation process.*

[H 1969]

Approved February 25, 2009

**Be it enacted by the General Assembly of Virginia:**

1. § 1. *That on or after January 1, 2010, each agency having regulations promulgated in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) of the Code of Virginia that require the submission of documents or payments, including fees and fines, shall (i) examine such regulations to determine whether the submission of the required documents or payments may be accomplished by electronic means, and (ii) if so, consider amending the regulation that is being promulgated to offer the alternative of submitting the documents or payments by electronic means. If an agency chooses to amend the regulation to provide the alternative of submitting required documents or payments by electronic means, such action shall be exempt from the operation of Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia provided the amended regulation is (a) adopted by December 31, 2010, and (b) consistent with federal and state law and regulations.*

§ 2. *Nothing in this act shall be construed to create an independent or private cause of action to enforce its provisions.*

§ 3. *Unless otherwise exempt, any amendment to an agency's regulations made pursuant to this act after December 31, 2010, shall be subject to the requirements of the Administrative Process Act (§ 2.2-4000 et seq.) of the Code of Virginia.*

§ 4. *For the purposes of this act,*

*"Agency" and "regulations" mean that same as those terms are defined in § 2.2-4001 of the Code of Virginia.*

*"Electronic" means the same as that term is defined in § 59.1-480 of the Code of Virginia.*