

H.B. 22576

FILED

2001 APR 20 P 5:51

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2001



ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2256

(By Delegates C. White, Faircloth,
Smirl, Givens and Coleman)



Passed April 12, 2001

In Effect Ninety Days from Passage

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FOR

H. B. 2256

(BY DELEGATES C. WHITE, FAIRCLOTH,
SMIRL, GIVENS AND COLEMAN)

[Passed April 12, 2001; in effect ninety days from passage.]

AN ACT to repeal section eight, article two-a, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections seven and eleven of said article, all relating to the authority of the division of motor vehicles to disclose motor vehicle records to persons for purposes of marketing and solicitations.

Be it enacted by the Legislature of West Virginia:

That section eight, article two-a, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that sections seven and eleven of said article two-a, be amended and reenacted, all to read as follows:

**ARTICLE 2A. UNIFORM MOTOR VEHICLES RECORDS DISCLOSURE
ACT.**

FILED

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§17A-2A-7. Permitted disclosures.

1 The division or its designee shall disclose personal informa-
2 tion as defined in section three of this article to any person who
3 requests the information if the person: (a) Has proof of his or
4 her identity; and (b) verifies that the use of the personal
5 information will be strictly limited to one or more of the
6 following:

7 (1) For use by any governmental agency, including any
8 court or law-enforcement agency, in carrying out its functions,
9 or any private person or entity acting on behalf of a governmen-
10 tal agency in carrying out its functions;

11 (2) For use in connection with matters of motor vehicle or
12 driver safety and theft, motor vehicle product alterations, recalls
13 or advisories, performance monitoring of motor vehicles, motor
14 vehicle parts and dealers, motor vehicle market research
15 activities including survey research and removal of nonowner
16 records from the original owner records of motor vehicle
17 manufacturers;

18 (3) For use in the normal course of business by a legitimate
19 business or its agents, employees or contractors:

20 (A) For the purpose of verifying the accuracy of personal
21 information submitted by the individual to the business or its
22 agents, employees or contractors; and

23 (B) If the information as submitted is not correct or is no
24 longer correct, to obtain the correct information, but only for
25 the purposes of preventing fraud by, pursuing legal remedies
26 against or recovering on a debt or security interest against the
27 individual;

28 (4) For use in conjunction with any civil, criminal, adminis-
29 trative or arbitral proceeding in any court or governmental

30 agency or before any self-regulatory body, including the service
31 of process, investigation in anticipation of litigation, the
32 execution or enforcement of judgments and orders or pursuant
33 to an order of any court;

34 (5) For use in research and producing statistical reports, so
35 long as the personal information is not published, redisclosed
36 or used to contact individuals;

37 (6) For use by any insurer or insurance support organization
38 or by a self-insured entity, its agents, employees or contractors
39 in connection with claim investigation activities, antifraud
40 activities, rating or underwriting;

41 (7) For use in providing notice to the owners of towed or
42 impounded vehicles;

43 (8) For use by any licensed private investigator agency or
44 licensed security service for any purpose permitted under this
45 section;

46 (9) For use by an employer or its agent or insurer to obtain
47 or verify information relating to a holder of a commercial
48 driver's license that is required under the Commercial Motor
49 Vehicle Safety Act of 1986 (49 U.S.C. App. 2710 et seq.);

50 (10) For use in connection with the operation of private toll
51 transportation facilities;

52 (11) For bulk distribution for surveys, marketing or solicita-
53 tions after the division has implemented methods and proce-
54 dures to ensure that the information will be used, rented or sold
55 solely for bulk distribution for surveys, marketing and solicita-
56 tions, and only if the person whose information will be used has
57 authorized the use of his or her name and address for those
58 purposes; and

59 (12) For any other use specifically authorized by law that
60 is related to the operation of a motor vehicle or public safety.

§17A-2A-11. Resale or redisclosure

1 (a) An authorized recipient of personal information, except
2 a recipient under subsection (11), section seven of this article
3 may resell or redisclose the information for any use permitted
4 under said section seven except the use for bulk distribution for
5 surveys, marketing or solicitations as provided in subsection
6 (11), section seven of this article.

7 (b) An authorized recipient of personal information for bulk
8 distribution for surveys, marketing or solicitations, under
9 subsection (11), section seven of this article may resell or
10 redisclose personal information only in accordance with the
11 terms of said subsection allowing surveys for marketing and
12 solicitations to be directed only to those individuals who have
13 authorized the use of their name and address for those purposes.

14 (c) Any authorized recipient who resells or rediscloses
15 personal information shall: (1) Maintain for a period of not less
16 than five years, records as to the person or entity receiving
17 information, and the permitted use for which it was obtained;
18 and (2) make the records available for inspection by the
19 division, upon request.

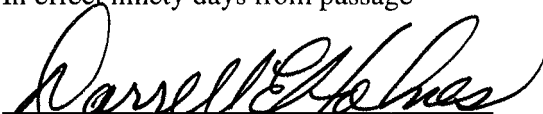
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

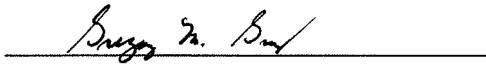

Chairman Senate Committee

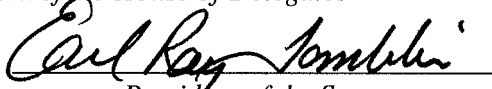

Chairman House Committee

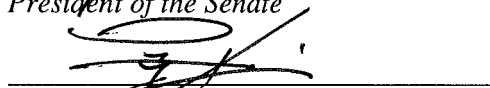
Originating in the House.

In effect ninety days from passage

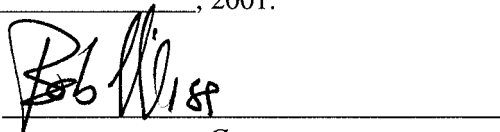

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 14th
day of April, 2001.


Governor

PRESENTED TO
THE GOVERNOR

DATE 4/18/01

TIME 3:52 pm