WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2001

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ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2256

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

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article two-a, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that sections seven and eleven of said article two-a, be amended and reenacted, all to read as follows: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

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
court or law-enforcement agency, in carrying out its functions,
or any private person or entity acting on behalf of a governmen-
tal agency in carrying out its functions;

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

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

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

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

12 (4) For use in conjunction with any civil, criminal, adminis-
trative or arbitral proceeding in any court or governmental
(5) For use in research and producing statistical reports, so long as the personal information is not published, redisclosed or used to contact individuals;

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

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

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

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

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

(11) For bulk distribution for surveys, marketing or solicitations after the division has implemented methods and procedures to ensure that the information will be used, rented or sold solely for bulk distribution for surveys, marketing and solicitations, and only if the person whose information will be used has authorized the use of his or her name and address for those purposes; and
(12) For any other use specifically authorized by law that is related to the operation of a motor vehicle or public safety.

§17A-2A-11. Resale or redisclosure

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

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

(c) Any authorized recipient who resells or rediscloses personal information shall: (1) Maintain for a period of not less than five years, records as to the person or entity receiving information, and the permitted use for which it was obtained; and (2) make the records available for inspection by the 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 19th day of April, 2001.

Governor