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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2004

ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 4019**

(By Mr. Speaker, Mr. Kiss, and Delegate Trump)
[By Request of the Executive]

Passed March 13, 2004

In Effect Ninety Days from Passage

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FOR

H. B. 4019

(BY MR. SPEAKER, MR. KISS, AND DELEGATE TRUMP)

[BY REQUEST OF THE EXECUTIVE]

[Passed March 13, 2004; in effect ninety days from passage.]

AN ACT to amend and reenact §17A-2A-4, §17A-2A-7 and §17A-2A-11 of the code of West Virginia, 1931, as amended, all relating to limiting disclosure of personal information from motor vehicle records; prohibiting the division of motor vehicles' sale of personal information for bulk distribution of surveys, marketing and solicitations.

Be it enacted by the Legislature of West Virginia:

That §17A-2A-4, §17A-2A-7 and §17A-2A-11 of the code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 2A. UNIFORM MOTOR VEHICLE RECORDS DISCLOSURE ACT.

§17A-2A-4. Prohibition on disclosure and use of personal information from motor vehicles records.

1 Notwithstanding any other provision of law to the contrary,
2 and except as provided in sections five through eight, both
3 inclusive, of this article, the division, and any officer, em-
4 ployee, agent or contractor thereof may not disclose any
5 personal information obtained by the division in connection
6 with a motor vehicle record. Notwithstanding the provisions of
7 this article or any other provision of law to the contrary, finger
8 images obtained and stored by the division of motor vehicles as
9 part of the driver's licensing process may not be disclosed to
10 any person or used for any purpose other than the processing
11 and issuance of driver's licenses and associated legal action
12 unless the disclosure or other use is expressly authorized by this
13 code. Notwithstanding the provisions of this article or any other
14 provision of law to the contrary, an individual's photograph or
15 image, social security number, and medical or disability
16 information shall not be disclosed pursuant to West Virginia
17 Code §17A-2A-7(2),(3),(5),(7),(8),(10) and (11), without the
18 express written consent of the person to whom such information
19 applies.

§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, the execution or enforcement of judgments and
32 orders or pursuant to an order of any court;

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

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

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

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

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

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

51 (11) For any other use specifically authorized by law that
52 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 may
2 resell or redisclose the information for any use permitted under
3 section seven.

4 (b) Any authorized recipient who resells or rediscloses
5 personal information shall: (1) Maintain for a period of not less
6 than five years, records as to the person or entity receiving
7 information, and the permitted use for which it was obtained;
8 (2) make the records available for inspection by the division,
9 upon request; and (3) only be disseminated in accordance with
10 express consent obtained pursuant to 17A-2A-4.

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

[Handwritten signature]

Chairman Senate Committee

[Handwritten signature]

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

[Handwritten signature]

Clerk of the Senate

[Handwritten signature]

Clerk of the House of Delegates

[Handwritten signature]

President of the Senate

[Handwritten signature]

Speaker of the House of Delegates

The within is approved this the 31st day of March, 2004.

[Handwritten signature]

Governor

PRESENTED TO THE
GOVERNOR

DATE 3.31.01

TIME 10:45 Am