WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2004

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
ENROLLED

COMMITTEE SUBSTITUTE

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.

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


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

(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 governmental agency in carrying out its functions;

(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;

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

(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

(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;

(4) For use in conjunction with any civil, criminal, adminis-
trative or arbitral proceeding in any court or governmental
agency or before any self-regulatory body, including the service
of process, the execution or enforcement of judgments and
orders or pursuant to an order of any court;

(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 Motor 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; and

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


(a) An authorized recipient of personal information may resell or redisclose the information for any use permitted under section seven.

(b) 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; (2) make the records available for inspection by the division, upon request; and (3) only be disseminated in accordance with express consent obtained pursuant to 17A-2A-4.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Greg Bulkeley
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of Delegates

President of the Senate

Speaker of the House of Delegates

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

Governor
PRESENTED TO THE GOVERNOR

DATE 3.3.10
TIME 10:45 AM