

**H. B. 2530**

(By Delegate Martin, Cann, Ferro, Barker, Miller,  
Kominar and Swartzmiller)

[Introduced January 18, 2011; referred to the  
Committee on Roads and Transportation then the  
Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by  
adding thereto a new section, designated §17A-2-10b, relating  
to requiring a study of the feasibility of consolidation of  
government services and enforcement of laws pertaining to the  
motor carrier industry requiring the Commissioner of the  
Division of Motor Vehicles to conduct the study; authorizing  
the Commissioner to retain an outside expert consultant or  
consultants to advise and assist the Commissioner in  
conducting the study; exempting certain information received  
by the Commissioner from the West Virginia Freedom of  
Information Act; establishing the misdemeanor offense of  
unauthorized disclosure of trade secrets or proprietary  
business information obtained by the Commissioner in the  
course of conducting the study; and providing for criminal  
penalties.

*Be it enacted by the Legislature of West Virginia:*

1 That the Code of West Virginia, 1931, as amended, be amended  
2 by adding thereto a new section, designated §17A-2-10b, to read as  
3 follows:

4 **ARTICLE 2. DIVISION OF MOTOR VEHICLES.**

5 **§17a-2-10b. Commissioner study of feasibility of consolidation of**  
6 **government services for the motor carrier industry.**

7 (a) Findings and purpose. -- The Legislature finds that  
8 responsibility for delivery of government services and the  
9 enforcement of laws pertaining to the motor carrier industry  
10 currently reside in several state agencies, divisions and  
11 departments including the Public Service Commission, Division of  
12 Highways, Division of Motor Vehicles, State Tax Division and the  
13 State Police. The Legislature further finds that it may be more  
14 cost effective and efficient to both the state and the motor  
15 carrier industry to provide these services through consolidated  
16 facilities and enhanced electronic information and communication  
17 technologies which would inure to the benefit and general welfare  
18 of West Virginia. Therefore, it is the purpose of this section to  
19 require a study of the feasibility of consolidation of government  
20 services for the motor carrier industry, including review of the  
21 administration of the regulation, taxation of motor carrier  
22 industry in West Virginia and the agencies responsible for the  
23 delivery of government services, the imposition and collection  
24 taxes and the enforcement of laws pertaining to the motor carrier

1 industry.

2 (b) Study of the feasibility of consolidation of government  
3 services for the motor carrier industry. -- The Commissioner shall  
4 study the feasibility of consolidation of government services for  
5 the motor carrier industry and shall file a report with the  
6 Governor and the Legislature on or before January 1, 2012. The  
7 report shall make recommendations pertaining to changes in process,  
8 policy and procedure in the provision of government services  
9 applicable to the motor carrier industry and shall include  
10 recommended legislation necessary to implement the proposed  
11 recommendations. The Commissioner in the report shall examine the  
12 feasibility and fiscal implications on affected governmental  
13 entities of consolidating government services affecting the motor  
14 carrier industry in West Virginia. The study shall include an  
15 examination of consolidating the administration and collection of  
16 taxes and fees and the enforcement of laws pertaining to the motor  
17 carrier industry in West Virginia or, alternatively, the  
18 consolidation of the administration of some of these government  
19 services. The report shall also examine utilizing electronic  
20 information and communication methods to provide the efficient  
21 delivery of services to the motor carrier industry. For purposes  
22 of this study, the Commissioner may seek and examine the  
23 information, data, records and testimony of: experts in the fields  
24 of law, economics and taxation; representatives of affected  
25 governmental entities of this state and other states of the United

1 States; persons and entities engaged in the motor carrier industry;  
2 persons knowledgeable about the motor carrier industry, taxation of  
3 the motor carrier industry and the economics of the motor carrier  
4 industry; and any other person or entity that may have information  
5 relevant to the study mandated by this section.

6 (c) Cooperation of other state agencies- The Public Service  
7 Commission, Division of Highways, Division of Motor Vehicles, State  
8 Tax Division and the State Police shall cooperate with the  
9 Commissioner and provide such necessary information, aid and  
10 assistance to the Commissioner as is necessary to conduct the study  
11 mandated in this section.

12 (d) Retention of outside consultant expert-

13 In order to assist the Commissioner with the highly technical  
14 and complex task of conducting the study mandated in this section,  
15 the Commissioner may retain an outside expert consultant or  
16 consultants qualified to review, analyze and evaluate the current  
17 structure of state agencies that provide the government services,  
18 regulation, taxation and enforcement of laws regulating and  
19 pertaining to the motor carrier industry in this state, to advise  
20 and assist the Commissioner in conducting the study mandated in  
21 this section, and to provide other support and assistance as  
22 necessary to accomplish the purposes of this section. The  
23 Commissioner shall select the expert or experts by a competitive  
24 bid process in accordance with the provisions of article three,  
25 chapter five-a of this code. Any consultant retained by the

1 Commissioner to assist in the study shall be deemed to be an agent  
2 of the Commissioner subject to the confidentially requirements of  
3 this section.

4 (e) Protection of proprietary business information-

5 (1) Motor carrier industry information provided to the  
6 Commissioner or the Commissioner's consultants and other agents,  
7 including, but not limited to, all proprietary industry data or  
8 information and trade secrets, constitutes proprietary business  
9 information is exempt from disclosure under the provisions of  
10 chapter twenty-nine-b of this code: Provided, That the information  
11 is identified as proprietary business information when submitted to  
12 the Commissioner.

13 (2) Trade secrets or proprietary business information obtained  
14 by the Commissioner in the course of conducting the study mandated  
15 by this section from persons in the motor carrier industry and  
16 other persons or entities shall be secured and safeguarded by the  
17 state: Provided, That the information is identified as proprietary  
18 business information when submitted to the Commissioner. Such  
19 information or data shall not be disclosed to the public or to any  
20 firm, individual or agency other than officials or authorized  
21 employees of the state. Any person who makes any unauthorized  
22 disclosure of such confidential information or data is guilty of a  
23 misdemeanor and, upon conviction thereof, may be fined not more  
24 than five thousand dollars or confined in a correctional facility  
25 for not more than one year, or both.

1       (3) Nothing in this section may be construed as prohibiting  
2 the publication or release of statistics so classified as to  
3 prevent the identification of a particular person or entity.

NOTE: The purpose of this bill is to require the Commissioner of Motor Vehicles to conduct a study of the feasibility of consolidation of government services and enforcement of laws pertaining to the motor carrier industry. The bill authorizes the Commissioner to retain an outside expert consultant to advise and assist the Commissioner in conducting the study; exempts certain information received by the Commissioner from the West Virginia Freedom of Information Act; prohibits the disclosure of certain information received by the Commissioner; and provides for criminal penalties.

17A-2-10b is new; therefore, it has been completely underscored.