

1 **H. B. 2822**

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3 (By Delegate Manchin and Caputo)  
4 [Introduced January 24, 2011; referred to the  
5 Committee on the Judiciary.]  
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10 A BILL to amend the Code of West Virginia, 1931, as amended, by  
11 adding thereto a new section, designated §38-3-20, relating to  
12 execution of judgments.

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

14 That the Code of West Virginia, 1931, as amended, be amended  
15 by adding thereto a new section, designated §38-3-20, to read as  
16 follows:

17 **ARTICLE 3. JUDGMENT LIENS.**

18 **§38-3-20. Access to information for execution of judgment.**

19 (a) The holder of any judgment obtained through valid judicial  
20 process of any court in this state shall first take the following  
21 reasonable actions to collect upon their judgment:

22 (1) Access all available Internet resources to ascertain the  
23 residential address, employer, and any other information available  
24 that will lead to location of the judgment debtor;

1       (2) Provide such information to the sheriff of the county  
2 where the judgment debtor was last known to reside or be employed  
3 along with a copy of the judgment and allow the sheriff time to  
4 attempt to execute the judgment; and

5       (3) Attempt to collect the judgment by making demand through  
6 United States certified mail return receipt prepaid to the last  
7 known address of the judgment debtor.

8       (b) If these methods fail to bring about execution of the  
9 judgment, then the judgment creditor holding a valid judgment from  
10 any West Virginia court shall provide a valid affidavit stating  
11 that the judgment creditor has exhausted each of the methods in  
12 subsection (a) of this section, along with payment of a fee set by  
13 the agency from whom the information is requested of not less than  
14 \$25 or more than \$50. Upon providing the affidavit and payment of  
15 the fee, the judgment creditor shall have access to the information  
16 that is not protected by any privacy laws, about the judgment  
17 debtor in order to execute their judgment, which may include:

18       (1) State tax and revenue data;

19       (2) Employment information;

20       (3) Real estate transactions;

21       (4) Motor vehicle registrations;

22       (5) Drivers license information;

23       (c) A person whose privacy protected by any court order from  
24 domestic abuse or violence, or taken into any witness protection

1 program or other court initiated program for their own safety,  
2 irregardless of the judgment against them, may not have their  
3 identity or location revealed in violation of any privacy  
4 protection order or other document issued by the court.

NOTE: The purpose of this bill is to enable creditors to collect upon their judgments from debtors who often attempt to defeat such judgments by disappearing. It also protects a certain class of persons whose identity and location must not be revealed due to court orders.

This section is new; therefore, it has been completely underscored.