

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

House Bill 5083

By Delegates Brooks, Kirby, Foggin, Vance, E. Pritt,

and Gearheart

[Originating in the Committee on Technology and

Infrastructure; Reported on February 2, 2024]

1 A BILL to amend and reenact §17A-2A-7 of the Code of West Virginia, 1931, as amended, relating
2 to granting West Virginia companies operating towing and recovery vehicles access to
3 driver registration information on demand, providing Department of Motor Vehicles carry
4 out steps needed to achieve this goal; and providing a date certain to meet this
5 requirement.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2A. UNIFORM MOTOR VEHICLE RECORDS DISCLOSURE ACT

§17A-2A-7. Permitted disclosures.

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

5 (1) For use by any governmental agency, including any court or law-enforcement agency,
6 in carrying out its functions, or any private person or entity acting on behalf of a governmental
7 agency in carrying out its functions;

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

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

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

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

19 (4) For use in conjunction with any civil, criminal, administrative, or arbitral proceeding in
20 any court or governmental agency or before any self-regulatory body, including investigation in
21 anticipation of litigation, the service of process, the execution or enforcement of judgments and
22 orders, or pursuant to an order of any court;

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

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

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

29 (A) To achieve the requirements of this subdivision, West Virginia companies providing
30 towing and recovery services shall have access to this information at all times, so that they may
31 access owner information at such a speed as to limit the charges to the vehicle's owner that would
32 otherwise accumulate while the tow company seeks the owner's personal information.

33 (B) The Department of Motor Vehicles will alter its services by July 1, 2024, to meet this
34 expectation or design a new portal to achieve this requirement.

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

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

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

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

NOTE: The purpose of this bill is to provide tow companies access to driver registration information on demand and at any hour.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.