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SB 274

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2007

ENROLLED

Senate Bill No. 274

(SENATORS MINARD, FANNING, PREZIOSO,
UNGER AND BOLEY, *original sponsors*)

[Passed March 4, 2007; in effect from passage.]

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OFFICE WEST VIRGINIA
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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 274

(SENATORS MINARD, FANNING, PREZIOSO,
UNGER AND BOLEY, *original sponsors*)

[Passed March 4, 2007; in effect from passage.]

AN ACT to amend and reenact article 8, chapter 64 of the Code of West Virginia, 1931, as amended, all relating generally to the promulgation of administrative rules by the Department of Transportation; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the Department of Transportation; authorizing certain of the agencies to promulgate certain legislative rules in the form

that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Division of Highways to promulgate a legislative rule relating to the transportation of hazardous wastes upon the roads and highways; authorizing the Division of Highways to promulgate a legislative rule relating to waste tire remediation and environmental cleanup; and authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to disclosure of information from the files of the Division of Motor Vehicles.

Be it enacted by the Legislature of West Virginia:

That article 8, chapter 64 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 8. AUTHORIZATION FOR THE DEPARTMENT OF
TRANSPORTATION TO PROMULGATE
LEGISLATIVE RULES.**

§64-8-1. Division of Highways.

- . 1 (a) The legislative rule filed in the State Register on
- 2 the twenty-fourth day of July, two thousand six,
- 3 authorized under the authority of section seven, article
- 4 eighteen, chapter twenty-two of this code relating to the
- 5 Division of Highways (transportation of hazardous

6 wastes upon the roads and highways, 157 CSR 7) is
7 authorized.

8 (b) The legislative rule filed in the State Register on
9 the twenty-fourth day of July, two thousand six,
10 authorized under the authority of section eight, article
11 two-a, chapter seventeen of this code relating to the
12 Division of Highways (waste tire remediation and
13 environmental cleanup, 157 CSR 8) is authorized.

§64-8-2. Division of Motor Vehicles.

1 The legislative rule filed in the State Register on the
2 twenty-eighth day of July, two thousand six, authorized
3 under the authority of sections nine and twelve, article
4 two-a, chapter seventeen-a of this code, modified by the
5 Division of Motor Vehicles to meet the objections of the
6 Legislative Rule-Making Review Committee and refiled
7 in the State Register on the second day of November,
8 two thousand six, relating to the Division of Motor
9 Vehicles (disclosure of information from the files of the
10 Division of Motor Vehicles, 91 CSR 8) is authorized with
11 the following amendment:

12 On page one, line six, by striking out the words
13 "POLICIES PERTAINING TO THE";

14 On page one, section three by striking out the caption
15 and inserting in lieu thereof the following: "Statutory
16 Background";

17 On page one, subsection 3.1., line four, after the words
18 "use of the information.", by creating a new subsection,
19 designated subsection 3.2.;

20 On page one, subsection 3.1., line six, after the word

21 "seq.", by creating a new subsection, designated
22 subsection 3.3., and by renumbering the remaining
23 subsections accordingly;

24 On page two, subsection 4.1., by placing quotation
25 marks around the words "Appropriate identification",
26 by striking out the words "is defined as" and by
27 inserting in lieu thereof the word "means";

28 On page two, subsection 4.2., by placing quotation
29 marks around the words "Consensual users", by
30 striking out the word "are" and by inserting in lieu
31 thereof the word "means";

32 On page two, subsection 4.3., by placing quotation
33 marks around the words "Permitted users", by striking
34 out the word "are" and by inserting in lieu thereof the
35 word "means";

36 On page two, subsection 4.4., by placing quotation
37 marks around the word "Requestor", by striking out the
38 words "is defined as" and by inserting in lieu thereof
39 the word "means";

40 On page two, subsection 4.5., by placing quotation
41 marks around the words "Required users", by striking
42 out the word "are" and by inserting in lieu thereof the
43 word "means";

44 On page two, subsection 4.6., by placing quotation
45 marks around the words "Uniform Motor Vehicle
46 Records Disclosure Act" and the word "Act";

47 On page two, subsection 4.7., by placing quotation
48 marks around the words "Written permission";

49 On page four, after paragraph 6.2.a.3., by inserting a
50 new paragraph, designated paragraph 6.2.a.4., to read
51 as follows:

52 If the Division discloses personal information
53 pursuant to W. Va. Code §17A-2A-7 and this
54 subdivision, the Division shall notify the person whose
55 personal information was requested in writing that the
56 information has been disclosed as required by statute
57 and this rule. The notice provisions of this paragraph
58 do not apply to disclosure of information through bulk
59 information contracts or disclosure pursuant to a
60 subpoena or court order.;

61 On page five, subsection 7.1., by striking out the
62 words "driver's license record" and inserting in lieu
63 thereof the words "abstract of operating record (7
64 years)";

65 And,

66 On page five, subsection 7.2., by striking out the
67 words "driver history" and inserting in lieu thereof the
68 words "complete abstract of operating record".

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

Randy White
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Darrell Holmes
.....
Clerk of the Senate

Gregg M. Smith
.....
Clerk of the House of Delegates

Carl Roy Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is appended* this
the *19th* Day of *March* 2007.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 14 2007

Time 3:10 pm