

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2889**

BY DELEGATES MILLER, SYPOLT, ANGELUCCI, LOVEJOY

AND ROBINSON

[Introduced February 7, 2019; Referred  
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §38-3-4 of the Code of West Virginia, 1931, as amended, relating  
 2 to judgment liens; and requiring that the last four digits of debtor's social security number  
 3 and other identifying information be included in abstracts of judgments.

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

### **ARTICLE 3. JUDGMENT LIENS.**

#### **§38-3-4. Abstracts of judgments; damages or penalty for failure of clerk or justice to deliver.**

1 The clerk of every court of this state shall, without delay, make out and deliver a duly  
 2 certified abstract of every judgment rendered by ~~such the~~ court, and every ~~justice of the peace~~  
 3 magistrate court clerk shall, without delay, make out and deliver a duly certified abstract of every  
 4 judgment rendered by him or her or by any other ~~justice~~ magistrate, the docket of which judgment  
 5 is in his or her possession and under his or her control, to any person interested ~~therein~~ in the  
 6 judgment who may demand the ~~same~~ abstract, and pay or tender the fee ~~therefor~~ for the abstract,  
 7 in which abstract shall be stated: (a) The names in full of the plaintiff or plaintiffs, and the  
 8 defendant or defendants, as they appear in the papers and proceedings in the cause, and if the  
 9 defendants are sued as partners, the individual names of ~~such the~~ defendants, and also the  
 10 partnership name shall be stated; (b) the amount of the judgment and the amount of the costs,  
 11 stating each separately; (c) the value of the specific property (if any) recovered by it, and the  
 12 damages, if any, for its detention; (d) the date of the judgment and the court in which, or the ~~justice~~  
 13 magistrate by whom, the judgment was rendered. The abstract required in this section shall  
 14 include, to the extent possible, the present address, the last four digits of the Social Security  
 15 number, and the date of birth of the judgment debtor, which information shall be made available  
 16 for the purpose of properly identifying the judgment debtor. Any clerk or ~~justice~~ magistrate court  
 17 clerk who ~~shall fail~~ fails to deliver ~~such the~~ abstract as herein required shall, together with the  
 18 sureties in his or her official bond, be liable to the person injured by ~~such the~~ failure for the amount  
 19 of his or her injury, or such injured person may, at his or her option, recover \$50 from ~~such~~ clerk

20 or ~~justice~~ magistrate court clerk.

NOTE: The purpose of this bill is to require that the last four digits of debtor's social security number and other identifying information be included in abstracts of judgments.

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