

# WEST VIRGINIA LEGISLATURE

## 2024 REGULAR SESSION

Introduced

### House Bill 5083

FISCAL  
NOTE

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

[Introduced January 25, 2024; Referred to the  
Committee on Technology and Infrastructure]

1 A BILL to amend and reenact §17A-2A-7 of the Code of West Virginia, 1931, as amended, relating  
 2 to granting tow truck drivers access to driver registration information on demand and at any  
 3 hour.

*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. Companies  
29 providing towing services shall have access to this information 24 hours a day so that they may  
30 access owner information at such a speed as to limit the charges to the vehicle's owner that would  
31 normally accumulate while the tow company seeks the owner's personal information. The  
32 Department of Motor Vehicles will alter its services to meet this expectation or design a new portal  
33 to accommodate the companies providing towing services.

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

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

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

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

42 (12) The amendments made during the 2024 Regular Session will be effective on July 1,  
43 2024.

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.