

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 5161

By Delegates Willis, Holstein, Chiarelli, Young, Williams,
Barnhart, Cannon, Garcia, Hanshaw (Mr. Speaker), Kimble
and Worrell

[Originating in the Committee on Technology and
Infrastructure; Reported on February 7, 2024]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §31D-1-132, relating to creating a digital wallet to collect and organize learning
3 and employment records, certifications, and licensures on the Secretary of State's one-
4 stop business portal; defining responsibilities for maintenance; and defining what types of
5 information can be stored in the digital wallet.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GENERAL PROVISIONS.

Part III. Secretary of State.

§31D-1-132. Digital Wallet.

1 (a) The Secretary of State, through administration of the one-stop business portal, shall
2 create the online infrastructure for a digital wallet in which an individual's learning and employment
3 records, certifications, and professional licensures may be stored. The digital wallet shall be made
4 available for public use by January 1, 2025.

5 (b) While the online infrastructure shall be the responsibility of the Secretary of State to
6 create and maintain, it shall be the responsibility of the individual whose learning and employment
7 records, certifications, and professional licensures are stored there to upload and organize the
8 credentials and to ensure their accuracy. When used correctly, the digital wallet will serve as a
9 repository of all learning and employment records in one spot for easy reference.

10 (c) Any party contracted with by the Secretary of State to perform any of the obligations
11 under this section shall take appropriate measures to safeguard all information deposited in the
12 digital wallet and shall not:

13 (1) use the information deposited in the digital wallet for any purposes other than those
14 contemplated by this section;

15 (2) sell, distribute, trade, transfer, provide, give, circulate, or disseminate, the information
16 deposited in the digital wallet; or

17 (3) use a third-party vendor to provide any additional service; and
18 (4) must hold such information as confidential and not share such information with any
19 other agency or political subdivision of the state, or the Federal government.

20 (d) (1)The Secretary of State shall make all appropriate effort to ensure that information
21 deposited in the digital wallet shall not be duplicated nor disclosed, and upon the user's request all
22 information deposited in the digital wallet must be securely deleted.

23 (2) The information deposited in the digital wallet is exempt from public inspection and
24 copying under the West Virginia Freedom of Information Act, §29B-1-1, et seq. of this code.

25 (e) The provisions of this section supersede any existing agreements regarding the
26 administration of the digital wallet.