

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #3

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OFFICE OF THE
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: Division of Motor Vehicles TITLE NUMBER: 91

CITE AUTHORITY: WV Code §17A-2-9, 17A-2A-12, 17D-2-2, 29A-1-1 et seq

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 8

TITLE OF RULE BEING AMENDED: Disclosure of Information From the Files of the Division of Motor Vehicles

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.


Authorized Signature

\$12.20



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Division of Motor Vehicles

1800 Kanawha Boulevard East • Building Three
Charleston, West Virginia 25317-0010 • 304/558-3900
TDD 1-800-742-6991 • 1-800-642-9066

Joe Manchin III
Governor

91 CSR 8

Disclosure of Information from the Files of the Division of Motor Vehicles

Circumstances Requiring the Filing of a Proposed Rule

The proposed amendment to this rule repeals a provision added in the legislation authorizing the Division of Motor Vehicles to promulgate updates to this rule. Specifically, the amendment requires DMV to notify any person who is the subject of an inquiry regarding their personal information (name, address etc). For example, if an attorney, law enforcement officer or a private investigator requested vehicle ownership information on a person (for a purpose authorized under WV Code §17A-2A-6), DMV would be required to send a notice to that person indicating who had requested their information. The notice requirement exempted information obtained through bulk sales (insurance companies obtaining driving records for example) court subpoenas, court orders and information obtained through the various law enforcement electronic inquiry systems that hit the DMV data banks.

The notice requirement has raised considerable concern from private investigators and law enforcement officers who rely on DMV information to further investigations concerning pending criminal cases, insurance fraud cases on behalf of insurance companies, workers compensation cases and back ground investigations on behalf of attorneys researching civil and criminal cases. Many times, government agencies subcontract with private investigators to research cases.

The well placed concern is based on the fact that subjects of investigation are now alerted that they are under scrutiny, endangering the safety of the private investigator and other law enforcement officials as well as compromising the ongoing investigation.

Of lesser importance is the sheer volume of notifications that may result from particular types of inquiries. A request for one vehicle's title history file for a purpose authorized under W. Va. Code §17A-2A-6 may result in the Division of Motor Vehicles generating twenty or more letters to previous vehicle owners, insurers, lien holders or other persons.

The rule also makes one technical cleanup to the rule to reconcile a conflicting reference to the five year driving record.

A handwritten signature in cursive script, reading "Joseph J. Cicchirillo".

Joseph J. Cicchirillo
Commissioner of Motor Vehicles



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

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Joe Manchin III
Governor

91 CSR 8

Disclosure of Information from the Files of the Division of Motor Vehicles

Summary of Rule Change

The proposed amendment to this rule repeals a provision added in the legislation authorizing the Division of Motor Vehicles to promulgate updates to this rule. Specifically, the amendment requires DMV to notify any person who is the subject of an inquiry regarding their personal information (name, address etc). For example, if an attorney, law enforcement officer or a private investigator requested vehicle ownership information on a person (for a purpose authorized under WV Code §17A-2A-6), DMV would be required to send a notice to that person indicating who had requested their information. The notice requirement in the current rule exempted information obtained through bulk sales (insurance companies obtaining driving records for example) court subpoenas, court orders and information obtained through the various law enforcement electronic inquiry systems that hit the DMV data banks.

The rule also makes one technical cleanup to the rule to reconcile a conflicting reference to the five year driving record.

A handwritten signature in cursive script, reading "Joseph J. Cicchirillo".

Joseph J. Cicchirillo
Commissioner of Motor Vehicles

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Disclosure of Information from the Files of the Division of Motor Vehicles

Type of Rule: Legislative Interpretive Procedural

Agency: Division of Motor Vehicles

Address: Building 3, Capitol Complex
Charleston, WV 25317

Phone Number: 304 558-2723 Email: sdale@dot.state.wv.us

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

This fiscal note reflects the annual cost of providing the individual notification requirement that is proposed to be repealed by this rule change.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	92,830.00	92,830.00	92,830.00
Personal Services	63,500.00	63,500.00	63,500.00
Current Expenses	29,330.00	29,330.00	29,330.00
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: _____

Rule Title: Disclosure of Information from the Files of the Division of Motor Vehicles

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

Date: September 17, 2006

Signature of Agency Head or Authorized Representative

Joseph J. Cincarella

FILED

2007 NOV -1 AM 11:07

PROPOSED
TITLE 91
WEST VIRGINIA LEGISLATIVE RULE
DIVISION OF MOTOR VEHICLES

OFFICE OF THE CLERK
SECRETARY OF STATE

SERIES 8
DISCLOSURE OF INFORMATION
FROM THE FILES OF THE DIVISION OF MOTOR VEHICLES

§91-8-1. General.

1.1. Scope – This legislative rule establishes procedures for the Division’s disclosures of information and other requests for information made to the Division.

1.2. Authority – W. Va. Code §§17A-2-9, 17A-2A-12, 17D-2-2, 29A-1-1 et seq.

1.3. Filing Date –

1.4. Effective Date –

1.5. Repeal of Former Rule. – This legislative rule repeals and replaces West Virginia Legislative Rules, Division of Motor Vehicles 91 CSR 8 Policies Pertaining to the Collection, Filing, and Distribution of Information from the Files of the Department of Motor Vehicles as filed August 14, 1974 and effective September 13, 1974.

§91-8-2. Application and Enforcement.

2.1. Application. – This legislative rule applies to persons requesting information from the Division of Motor Vehicles.

2.2. Enforcement. – Enforcement of this legislative rule is vested with the Commissioner of Motor Vehicles or his or her lawful designee.

§ 91-8-3. Statutory Background.

3.1. The Uniform Motor Vehicle Records Disclosure Act requires the Division of Motor Vehicles to disclose information, including personal information, maintained in its motor vehicle records. The Act mandates disclosure dependent on who is making the request, the type of information requested, and the proposed use of the information.

3.2. Personal information disclosure may be further restricted by the Health and Insurance Portability Accountability Act, 42 U.S.C. §1301 et seq.

3.3. W. Va. Code §17A-6-4 prohibits the disclosure of information contained in a motor vehicle dealership file. If the information requested is not personal information as defined by the Act, the information may be released if permitted by the Freedom of Information Act, W. Va. Code §29B-1-1 et seq. and §17A-2A-1 et seq.

3.4. The Act is based on a federal government requirement to regulate the disclosure of personal information from motor vehicle agencies.

3.5. The purpose of the Act is to implement the federal Drivers Privacy Protection Act of 1994, 18 U.S.C. § 2721 et seq. in order to protect the interest of individuals in their personal privacy by prohibiting the disclosure and use of personal information contained in their motor vehicle record, except as authorized by an individual or by law.

3.6. The Act allows the Division to promulgate rules in accordance with chapter twenty-nine-a of the West Virginia Code to carry out the purposes of the Act.

§91-8-4 Definitions.

4.1. "Appropriate identification" means an original or a legible photocopy of the driver's license or state-issued identification card of the person requesting personal information. If the person is a corporation or business, an employee of the company shall provide a copy of his or her driver's license or state-issued identification card.

4.2. "Consensual users" means persons to whom the Division may disclose personal information pursuant to W.Va. Code §17A-2A-6. Under that section, personal information may be disclosed by the Division with written permission of the person about whom the information is sought.

4.3. "Permitted users" means persons allowed to receive information as defined by the permitted disclosures section of the Act found in W. Va. Code §17A-2A-7. Persons who want copies of their own records are permitted users and may obtain copies of their own records.

4.4. "Requestor" means any person who requests personal information from the Division.

4.5. "Required users" means persons to whom the Division must disclose personal information as mandated under W.Va. Code §17A-2A-5.

4.6. "Uniform Motor Vehicle Records Disclosure Act" or "Act" means the provisions of W.Va. Code §17A-2A-1 et seq. pertaining to the implementation of the federal Drivers Protection Act of 1994 in this state.

4.7. "Written permission" includes a copy of a power of attorney, a completed Division waiver form, or a written statement signed and dated by the individual about whom the information is sought.

§91-8-5 Disclosure of Records that do not contain personal information.

5.1. Verbal Requests. The Division may disclose records that do not contain personal information upon verbal request.

5.1.a. Division employees may confirm information over the telephone given by the person requesting the information.

5.1.b. Division employees may disclose information over the telephone regarding the status of vehicle titles, and vehicle registrations including the vehicle identification number, the year, the make, and the model of vehicles registered or titled in West Virginia.

5.1.c. Division employees may disclose information over the telephone concerning the status of driver's licenses and identification cards including revocations, suspensions, and citations.

5.1.d. Division employees may disclose information over the telephone regarding the status of a dealership license including final revocations, suspensions, and civil penalties.

5.2. Written Requests. The Division may disclose records that do not contain personal information upon written request pursuant to W. Va. Code §29B-1-1 et seq.

§91-8-6 Disclosure of Records that contain personal information.

6.1. Verbal Requests. The Division may not disclose records that contain personal information upon verbal request.

6.2. Written Requests. The Division shall disclose records that contain personal information if the request is in writing on a form prescribed by the Division, if the request is for a legitimate purpose, if the requestor pays the required fees, and if the requestor provides proper identification. Records shall be disclosed only to required users, consensual users, or permitted users pursuant to the Act.

6.2.a. Permitted Users.

1. Requestors may obtain their own driver records at any branch office of the Division. All other requests must be processed through the Charleston Capitol office at the following address:

Attention: Driver Records
WVDMV
1800 Kanawha Blvd., E
Charleston, WV 25317

2. Obtaining Another Person's Driver's License Records. All driver records released will cover a five-year period. Courts, law enforcement agencies, government agencies, and

employers may request records covering a longer period.

3. Requesting Vehicle Records. Requestors may obtain their own vehicle records and other persons' vehicle information, if permitted, by sending a written request to the Charleston Capitol office at the following address:

Attention: Vehicle Records
WVDMV
1606 Washington Street, E
Charleston, WV 25317

~~4. If the Division discloses personal information pursuant to W. Va. Code §17A-2A-7 and this subdivision, the Division shall notify the person whose personal information was requested in writing that the information has been disclosed as required by statute and this rule. The notice provisions of this paragraph do not apply to disclosure of information through bulk information contracts or disclosure pursuant to a subpoena or court order.~~

6.2.b. Bulk Sales. The Division shall disclose personal information in bulk to required or permitted users only after review by the Division and only after the requestor has:

1. Completed and submitted a letter of intent. The letter of intent shall specify that personal information will be used only in accordance with the Act; and it shall specify the section of the Act that qualifies the requestor as either a required user, a consensual user, or a permitted user;
2. Completed and submitted a contract prescribed by the Division; and
3. Submitted the appropriate fees.

6.2.c. Non-Permitted Users. The Division may release records that contain personal information to non-permitted users under the Act if all personal information has been obscured or redacted. Any requestor who wants copies of another person's personal information, including copies of records about their immediate family members, may be able to obtain this information only if:

1. The Division has a completed Opt-in form from the person who is the subject of the request; or
2. The requestor is a consensual user as defined by W. Va. Code §17A-2A-6.

6.2.d. Opt-In. The Division shall disclose all personal information about a person to any requestor if the person about whom the information is requested has signed and submitted a written consent form, or opt-in form, allowing the Division to disclose personal information for any purpose.

6.3. Nondisclosure of Records.

6.3.a. The Division shall not disclose personal information contained in records if the Division has reasonable grounds to believe that the information will not be used for a legitimate purpose.

6.3.b. The Division shall not disclose personal information to satisfy curiosity, for marketing purposes, for solicitations or for any purpose not permitted under the Act.

6.3.c. The Division shall not disclose personal information to the media since the media are not required users, permitted users, or consensual users under the Act.

6.3.d. The Division shall not disclose finger images collected by the Division except for issuing and processing driver's licenses and any legal process associated with issuing and processing driver's licenses.

6.3.e. The Division shall not disclose personal information by facsimile machine unless the request is made pursuant to the Act and all appropriate fees have been received.

6.3.f. The Division shall not disclose information contained in motor vehicle dealership files maintained by the Division pursuant to W.Va. Code §17A-6-4, except by valid subpoena or court order.

6.3.g. The Division shall not disclose medical or disability records to any person except a consensual user; a required user with statutory requirements and authority for the use of medical or disability records; the Division's driver's license advisory board; a reviewing court, pursuant to a valid subpoena pursuant to a valid Supreme Court or Circuit Court order.

6.3.h. Message Forwarding- The Division shall not disclose personal information if the requester is not a permitted user, a required user, or a consensual user. However, the Division may send a message to the person about whom the personal information pertains. The requestor shall fill out a form prescribed by the Division, write a message on the form and pay the appropriate, nonrefundable fee. The Division shall forward the message to the last known address in its records. The Division shall not guarantee a response. The Division may refuse to send the message if it contains offensive language, threats, language that may incite violence, or any language that may induce or assist in criminal activities.

6.3.i. The Division shall not disclose social security numbers or credit card numbers except pursuant to federal law, West Virginia law, a valid court order, a valid subpoena, or a valid government agency request on agency letterhead that includes statutory authority for the release of the social security number or credit card number.

§91-8-7 Fees. All fees listed in this subsection shall accompany requests for information. Fees are nonrefundable even if the requested information is not available from the Division's records. Fees referenced in this rule are established in accordance with W.Va. Code §17A-2A-9 or related statute.

7.1. Five Dollars (\$5) per request for a certified abstract of operating record (~~7~~ 5 years). A

One Dollar (\$1) additional fee will be charged if the driver's license number is not provided by the requestor.

7.2. Five Dollars (\$5) per request for each certified complete abstract of operating record.

7.3. One Dollar (\$1) per request for vehicle registration information (screen print from computer records).

7.4. Five Dollars (\$5) for a title file which includes any documents submitted at the time the vehicle was titled and any documents submitted subsequent to titling.

7.5. Twenty-five Dollars (\$25) for a complete title history.

7.6. Five Dollars (\$5) per request for proof of fees paid to the Division when vehicle was purchased.

7.7. Five Dollars (\$5) per request for encumbrance information that includes both registration and lien information (screen print from computer records).

7.8. Twenty-five Dollars (\$25) per copy for each administrative hearing cassette tape.

7.9. One Dollar and fifty cents (\$1.50) per page for each transcribed page from an administrative hearing.

7.10. Twenty-five cents (0.25) per page for each copy of a driver license suspension, revocation, or disqualification file. This excludes investigation information.

7.11. Five Dollars (\$5) nonrefundable fee for any message forwarding request.

7.12. Thirty Dollars (\$30) for each copy of an administrative hearing CD.

7.13. Fifteen Dollars (\$15) per copy of a video tape in the administrative hearing file.

7.14. The cost of each bulk information request fee may vary and will be determined by the cost of producing the information.

7.15. Ten Dollars (\$10) for each certified record of a vehicle title.

7.16. Twenty Dollars (\$20) per copy of lien perfection information.



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
Division of Motor Vehicles

1800 Kanawha Boulevard East • Building Three
Charleston, West Virginia 25317-0010 • 304/558-3900
TDD 1-800-742-6991 • 1-800-642-9066

Joe Manchin III
Governor

91 CSR 8

Disclosure of Information from the Files of the Division of Motor Vehicles

Public Comment Summary

A. Persons notified of Public Comment Period in addition to State Register Filing:

1. Private Investigators and Security Professionals of WV
2. WV Insurance Commissioner
3. WV Insurance Federation
4. State Farm Insurance

B. Summary of Comments:

1. WV Insurance Federation / Jill Bentz / Support change to rule
2. Private Investigators / 14 Comments / All support change to rule

C. Changes made as a result of comment:

None

A handwritten signature in black ink that reads "Joseph Cicchirillo".

Joseph Cicchirillo
Commissioner

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: October 31, 2007

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No) Division of Motor Vehicles
Building 3, Capitol Complex
Charleston, WV 25317
Phone 304-558-2723

LEGISLATIVE RULE TITLE: Disclosure of Information From the Files of the Division of Motor Vehicles

1. Authorizing statute(s) citation WV Code §§17A-2-9, 17A-2A-12, 17D-2-2, 29A-1-1

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
September 19, 2007

b. What other notice, including advertising, did you give of the hearing?
See Attached

c. Date of Public Hearing(s) *or* Public Comment Period ended:
October 22, 2007

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached X No comments received

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

November 1, 2007

f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Joseph Cicchirillo, Commissioner 558-2723/ 558-1987/ sdale@dot.state.wv.us
Jill Dunn, General Counsel 558-3611/ 558-1987/ jdunn@dot.state.wv.us
Steve Dale, Asst to Commr 558-3611/ 558-1987/ sdale@dot.state.wv.us

g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

not applicable

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

b. Date of hearing or comment period:

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached



October 22, 2007

BY HAND-DELIVERY

Steven O. Dale
Office of the Commissioner
Division of Motor Vehicles
Building 3, Room 319
Capitol Complex
Charleston, West Virginia 25317

**RE: Comments to Proposed Rule
Docket Number 2007 - 91 CSR 8
Disclosure of Information from the Files of the Division of Motor Vehicles**

Dear Mr. Dale:

These comments to the proposed amendments to 91 CSR 8, relating to the "Disclosure of Information from the Files from the Division of Motor Vehicles", are filed on behalf of the West Virginia Insurance Federation ("WVIF"), the state trade association for property and casualty insurance companies doing business in West Virginia.

The WVIF is particularly concerned about the language contained in Series 8 and, specifically, Section 6.2.a.4, which currently provides:

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

The WVIF strongly supports the proposed deletion of this Section for several reasons. First, the proposed amendment is consistent with the original version of 91 CSR 8, which was filed with the Legislative Rulemaking Committee prior to the 2007 Legislative Session. It also is consistent with the federal Drivers Privacy Protection Act of 1994, 18 U.S.C. 2721 *et seq.*, and it will eliminate the unintended and unanticipated additional administrative



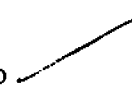
burden on the Division of Motor Vehicles in complying with Section 6.2.a.4's notice requirement.

Perhaps most importantly, the proposed deletion is necessary to facilitate, rather than hinder, fraud and criminal investigations by insurers, investigators, and law enforcement, who regularly rely on this information to conduct their investigations. The disclosure of the existence of an investigation to those under investigation, as currently required by Section 6.2.a.4, will impede insurance and workers' compensation fraud investigations and criminal investigations by law enforcement officers. This not only will undermine the investigations themselves, but also potentially could place law enforcement and investigators in personal danger. The WVIF, therefore, believes that the proposed amendment is necessary.

Thank you for your consideration of these comments. If you have any questions or need additional information of any kind, please contact me.

Very truly yours,


Jill C. Bentz
President

cc: The Honorable Joseph J. Cicchirillo 

Kidd Investigations, Inc.

MICHAEL L. KIDD, INVESTIGATOR

SURVEILLANCE
JURY RESEARCH
ASSET SEARCHES
PROCESS SERVICE



P.O. BOX 1099
ST. ALBANS, WV 25177
(304) 562-8591
FAX: (304) 562-8592

September 21, 2007

RE: DMV Information Rule Change

Gentlemen,

I have been a licensed and bonded private investigator in West Virginia for 19 years. I work on a wide variety of cases that require me to obtain both vehicle and driver license information from the WV DMV. The cases I work on include;

- *civil cases for attorneys who represent injured parties
- *on behalf of attorneys who represent insurance companies who have been sued
- *on behalf of corporations who have had claims made against them by employees who have been injured on the job
- *criminal cases on behalf of attorneys who represent the accused

In addition, I contract with various state and federal government agencies, performing investigations when allegations have been made by citizens to the licensing boards of the State of WV.

A new rule came into effect on July 1, 2007, whereby any time I run a check for information for vehicle or operator license information, the person whose information I am requesting is notified by the WV DMV that I requested it. This not only has a chilling effect on my investigations, it places me in danger of being discovered when I am attempting to conduct a lawful, discreet investigation into the background of a civil claimant, a witness in a criminal case, or a licensee of whom I am checking their background.

I have spoken to the author of the bill which caused the new DMV rules to go into effect, Delegate Erik Wells. He assured me that the intent of the bill was not to deny private investigators or law enforcement officers the information they need to conduct lawful investigations. Further, he indicated a willingness to amend the bill/rule when the regular session of the legislature comes back into session in 2008.

You may contact me at (304) 562-8591, or by mail at P. O. Box 1099, St. Albans, WV 25177 if you have any questions. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Michael Kidd".

Michael Kidd

Terango Investigations Inc
107 Brannon Ave
Stonewood, WV 26301
304 624-2290 304 203-4490 Cell
PIJTerango@aol.com

Commissioner Joseph Cicchirillo
Division of Motor Vehicles
1800 Kanawha Blvd. , East
Building 3
Charleston, West Virginia 25317-0010

3 October 2007

Gentlemen:

I am a licensed and bonded private investigator in West Virginia. I work on a wide variety of cases that require me to obtain both vehicle and driver license information from the West Virginia Department of Motor Vehicles. The cases I work on include cases such as :

- Civil cases for attorneys who represent injured parties
- On behalf of attorneys who represent insurance companies who have been sued
- On behalf of corporations who have had claims made against them by employees who have been injured on the job
- Criminal cases on behalf of attorneys who represent the accused
- Criminal and civil cases that have not yet been assigned to attorneys

In addition, I contract with various state and federal government agencies, performing investigations when allegations have been made by citizens to the licensing boards of the State of West Virginia.

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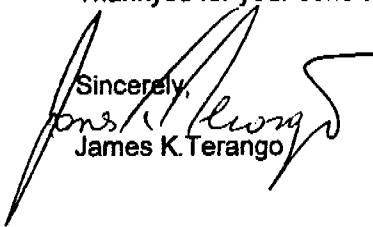
Members of our association, Private Investigators and Security Professionals of West Virginia, have spoken to the author of the bill which caused the new DMV rules to go into effect, Senator Erick Wells. He assured them that the intent of the bill was not to deny private investigators or law enforcement officers the information they need to conduct lawful investigations. Further, he indicated his willingness to amend the bill/rule when the regular session of the legislature comes back into session in 2008.

West Virginia Code 30-18-1 defines the scope of authority to conduct lawful investigations for private investigators. It is imperative that this rule change is corrected in order for private

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investigators to be able to continue with those investigations without compromising either the investigation or the safety of those conducting the investigations.

Thankyou for your consideration.

Sincerely,

James K. Terango

Professional Security Services, LLC
P.O. Box 584
Lewisburg, WV 24901

September 30, 2007

RE: DMV Information Rule Change

Gentlemen:

I am a licensed and bonded private investigator in West Virginia. I work on a wide variety of cases that require me to obtain both vehicle and driver license information from the West Virginia Department of Motor Vehicles. The cases I work on include cases such as :

- Civil cases for attorneys who represent injured parties
- On behalf of attorneys who represent insurance companies who have been sued
- On behalf of corporations who have had claims made against them by employees who have been injured on the job
- Criminal cases on behalf of attorneys who represent the accused
- Criminal and civil cases that have not yet been assigned to attorneys

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West Virginia Code 30-18-1 defines the scope of authority to conduct lawful investigations for private investigators. It is imperative that this rule change is corrected in order for private investigators to be able to continue with those investigations without compromising either the investigation or the safety of those conducting the investigations.

You may contact me at any of the following, office 304-645-0808, cell 304-661-0707, email at admin@investigationsspss.com, or mail at P.O. Box 584 Lewisburg, WV 24901.

Thank you for your consideration.

2007 OCT - 3 PM 1:05
RECEIVED
D.M.V. COMMISSIONER

Sincerely,

Brandon Black, Owner
Professional Security Services
P.O. Box 584
Lewisburg, WV 24901
(304) 645-0808
1-877-999-0808

Gentlemen:

I am a licensed and bonded private investigator in West Virginia. I work on a wide variety of cases that require me to obtain both vehicle and driver license information from the West Virginia Department of Motor Vehicles. The cases I work on include cases such as :

- Civil cases for attorneys who represent injured parties
- On behalf of attorneys who represent insurance companies who have been sued
- On behalf of corporations who have had claims made against them by employees who have been injured
- Criminal cases on behalf of attorneys who represent the accused
- Criminal and civil cases that have not yet been assigned to attorneys

In addition, I contract with various state and federal government agencies, performing investigations when allegations have been made by citizens to the licensing boards of the State of West Virginia.

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Members of our association, Private Investigators and Security Professionals of West Virginia, have spoken to the author of the bill which caused the new DMV rules to go into effect, Senator Erick Wells. He assured them that the intent of the bill was not to deny private investigators or law enforcement officers the information they need to conduct lawful investigations. Further, he indicated his willingness to amend the bill/rule when the regular session of the legislature comes back into session in 2008.

West Virginia Code 30-18-1 defines the scope of authority to conduct lawful investigations for private investigators. It is imperative that this rule change is corrected in order for private investigators to be able to continue with those investigations without compromising either the investigation or the safety of those conducting the investigations.

You may contact me at (telephone number 304-372-6877), or by mail at

Thank you for your consideration.


Sincerely,

RECEIVED
D.M.V. COMMISSIONER
2007 OCT -4 PM 12:15

September 30, 2007

RE: DMV Information Rule Change

Gentlemen:

I am a licensed and bonded private investigator in West Virginia. I work on a wide variety of cases that require me to obtain both vehicle and driver license information from the West Virginia Department of Motor Vehicles. The cases I work on include cases such as:

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Criminal cases on behalf of attorneys who represent the accused

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RECEIVED
D.M.V. COMMISSIONER
2007 OCT -4 PM 12:15

West Virginia Code 30-18-1 defines the scope of authority to conduct lawful investigations for private investigators. It is imperative that this rule change is corrected in order for private investigators to be able to continue with those investigations without compromising either the investigation or the safety of those conducting the investigations.

You may contact me at (telephone number 304-455-1109 or by email at greg@gregadamsinvestigations.com

Thank you for your consideration.

Respectfully

A handwritten signature in cursive script that reads "Gregory Lind Adams". The signature is written in black ink and is positioned above the printed name.

Gregory Lind Adams

P.O. Box 391

New Martinsville WV 26155

Hearne & Co.
P.O. Box 326
Triadelphia, WV 26059
Phone & Fax
1-304-233-3674 1-888-312-3674

10/2/2007

Commissioner Joseph Cicchirillo
Division of Motor Vehicles
1800 Kanawha blvd., East
Building 3
Charleston, WV 25317-0010

RECEIVED
D.M.V. COMMISSIONER
2007 OCT -4 PM 12:15

RE: DMV Information Rule Change

Dear Sir,

I am a licensed and bonded private investigator in West Virginia. I work on a wide variety of cases that require me to obtain vehicle and driver license information from the West Department of Motor Vehicles. The cases I work on include cases such as:

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Hearne & Co.
P.O. Box 326
Triadelphia, WV 26059
Phone & Fax
1-304-233-3674 1-888-312-3674

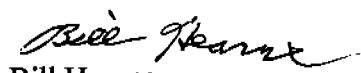
West Virginia Code 30-18-1 defines the scope of the authority to conduct lawful investigations for private investigators. It is imperative that this rule change is corrected in order for private investigators to be able to continue with those investigations without compromising either the investigation or the safety of those conducting the investigation.

You may contact me at 304-233-3674 or by mail at P.O. Box 326, Triadelphia, WV 26059.

Thank you for your consideration on this matter.

Sincerely,

Hearne & Co.


Bill Hearne

Commissioner Joseph Cicchirillo
Division of Motor Vehicles
1800 Kanawha Blvd. , East
Building 3
Charleston, West Virginia 25317-0010

October 8, 2007

RE: DMV Information Rule Change

Gentlemen:

I am a licensed and bonded private investigator in West Virginia. I work on a wide variety of cases that require me to obtain both vehicle and driver license information from the West Virginia Department of Motor Vehicles. The cases I work on include cases such as :

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West Virginia Code 30-18-1 defines the scope of authority to conduct lawful investigations for private investigators. It is imperative that this rule change is corrected in order for private investigators to be able to continue with those investigations without compromising either the investigation or the safety of those conducting the investigations.

You may contact me at (telephone number 304-363-7660), or by mail at 219 Homewood Ave Fairmont, WVA 26554.
Thank you for your consideration.

Sincerely,

Catherine Lane Wolfe

BOB CLAY INVESTIGATIONS
1150 University Avenue
Morgantown, WV 26505
Phone: (304) 276-4728 Fax: (304) 864-6643

October 10, 2007

Commissioner Joseph Cicchirillo
Division of Motor Vehicles
1800 Kanawha Blvd., East
Building 3
Charleston, West Virginia 25317-0010

RE: DMV Information Rule Change

Gentlemen:

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RECEIVED
D.M.V. COMMISSIONER
2007 OCT 22 AM 9:18

October 10, 2007

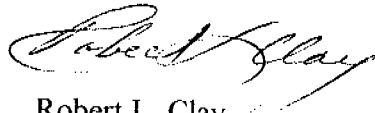
Page 2

conduct lawful investigations. Further, he indicated his willingness to amend the bill/rule when the regular session of the legislature comes back into session in 2008.

West Virginia Code §30-18-1 defines the scope of authority to conduct lawful investigations for private investigators. It is imperative that this rule change is corrected in order for private investigators to be able to continue with those investigations without compromising either the investigation or the safety of those conducting the investigations.

You may contact me at telephone number (304) 276-4728. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Robert L. Clay". The signature is written in dark ink and is positioned above the printed name.

Robert L. Clay

PAINTER & ASSOCIATES, LLC

P. O. Box 494
Hurricane, WV 25526
(304) 562-7145
retiredwvwarden@suddenlink.net

Licensed Private Investigators

Security Specialists

Criminal Justice Consultants

15 October 2007

**Commissioner Joseph Cicchirillo
W. Va. Division of Motor Vehicles
1800 Kanawha Blvd. East
Building 3
Charleston, WV 25317-0010**

RE: DMV Information Rule Change

Dear Commissioner Cicchirillo:

I am a licensed and bonded private investigator in West Virginia. My caseload includes a wide variety of cases requiring me to obtain both vehicle and driver license information from the W. Va. Division of Motor Vehicles. These cases include:

- Personal injury and criminal defense cases for attorneys
- Witness location and process service for various governmental agencies and attorneys
- Background investigations for various governmental agencies and business organizations
- Internal investigations for various state governmental organizations
- Skip tracing for attorneys and business organizations, including criminal bail and bond companies.

Effective July 1, 2007, W. Va. Code was changed, wherein anytime I access DMV records for information regarding operator license or vehicle information, the subject of the inquiry is notified that I have made an inquiry. The effect of this change on my lawful investigation is obvious, especially if I am attempting to serve court documents, locate witnesses, or locate a skip; the individual can, and may, take whatever evasive action they can to avoid being located.

I am a member of *Private Investigators and Security Professionals of West Virginia*, a professional organization whose membership includes several private investigation and security firms both in and out of state. It is my understanding that representatives of our organization have talked with Senator Eric Wells, sponsor of the original legislation that prompted resulted in this change, and he has assured us his intent for the bill was not to impede private investigators or

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D.M.V. COMMISSIONER
2007 OCT 17 AM 9:24

law enforcement officers in gathering information when conducting lawful investigations. Senator Wells indicated his willingness to amend the bill/rule when the 2008 regular session of the legislature convenes in January.

West Virginia Code §30-18-1 defines the scope of authority for private investigators to conduct lawful investigations. I urge support for a bill to modify this rule back to its original status.

Thank you in advance for your cooperation and assistance in this matter, and should you need additional information, please feel free to contact me.

Very truly yours,



Howard H. Painter
Licensed Private Investigator

Cecil R. Strawser Investigations
24 Albright Road
Kingwood, WV 26537
Phone 304-329-1140

Commissioner Joseph Cicchirillo
Division of Motor Vehicles
1800 Kanawha Blvd. , East
Building 3
Charleston, West Virginia 25317-0010

October 15, 2007

RE: DMV Information Rule Change

Gentlemen:

I am a licensed and bonded private investigator in West Virginia. I work on a wide variety of cases that require me to obtain both vehicle and driver license information from the West Virginia Department of Motor Vehicles. The cases I work on include cases such as :

Civil cases for attorneys who represent injured parties

On behalf of attorneys who represent insurance companies who have been sued

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Criminal cases on behalf of attorneys who represent the accused

Criminal and civil cases that have not yet been assigned to attorneys.

In addition, I contract with various state and federal government agencies, performing investigations when allegations have been made by citizens to the licensing boards of the State of West Virginia.

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D.M.V. COMMISSIONER
2007 OCT 17 AM 9:24

licensee of whom I am checking their background , etc.

Members of our association, Private Investigators and Security Professionals of West Virginia, have spoken to the author of the bill which caused the new DMV rules to go into effect, Senator Erick Wells. He assured them that the intent of the bill was not to deny private investigators or law enforcement officers the information they need to conduct lawful investigations. Further, he indicated his willingness to amend the bill/rule when the regular session of the legislature comes back into session in 2008.

West Virginia Code 30-18-1 defines the scope of authority to conduct lawful investigations for private investigators. It is imperative that this rule change is corrected in order for private investigators to be able to continue with those investigations without compromising either the investigation or the safety of those conducting the investigations.

You may contact me at 1-304-329-1140, or by mail at the above address.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cecil R. Strawser". The signature is written in black ink and is positioned above the printed name.

Cecil R. Strawser, Investigator

LARRY A. PETERS, INC.

314 Lanny Drive
Winchester, VA 22601
Tel. (540) 662-0482
Fax (540) 662-7121
Virginia License No. 11-1251

October 5, 2007

Commissioner Joseph Cicchirillo
Division of Motor Vehicles
1800 Kanawha Blvd., East
Building 3
Charleston, West Virginia 25317-0010

Gentlemen:

I am a licensed and bonded private investigator in West Virginia. I work on a wide variety of cases that require me to obtain both vehicle and driver license information from West Virginia Department of Motor Vehicles. The cases I work on include cases such as:

Civil cases for attorneys who represent injured parties.

On behalf of attorneys who represent insurance companies who have been sued.

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D.M.V. COMMISSIONER
2007 OCT -9 PM 1:16

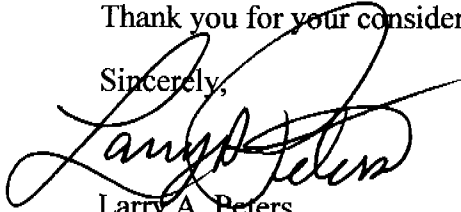
Commissioner Joseph Cicchirillo
October 5, 2007
Page Two

West Virginia Code 30-18-1 defines the scope of authority to conduct lawful investigations for private investigators. It is imperative that this rule change is corrected in order for private investigators to be able to continue with those investigations without compromising either the investigation or the safety of those conducting the investigations.

You may contact me at 800-742-2606, or by mail at 314 Lanny Drive,
Winchester, VA 22601.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Larry A. Peters". The signature is written in black ink and is positioned above the typed name and title.

Larry A. Peters
DIRECTOR

LAP/vp

**Rick Johnson Investigations
97 Buchanan Lane
Inwood, WV 25428**

Commissioner Joseph Cicchirillo
Division of Motor Vehicles
1800 Kanawha Blvd., East
Building 3
Charleston, West Virginia 25317-0010

October 6, 2007

Gentlemen:

I am a licensed and bonded private investigator in West Virginia. I work on a wide variety of cases that require me to obtain both vehicle and driver license information from the West Virginia Department of Motor Vehicles. The cases I work on include cases such as:

- Civil cases for attorneys who represent injured parties
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D.M.V. COMMISSIONER
2007 OCT 11 AM 9:14

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You may contact me by telephone at 304-229-7099, or by mail at 97 Buchanan Ln., Inwood, WV 25428.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard Johnson", with a long horizontal flourish extending to the right.

Richard Johnson
WV Private Investigator

Commissioner Joseph Cicchirillo
Division of Motor Vehicles
1800 Kanawha Blvd., East
Building 3
Charleston, West Virginia 25317-0010

October 8, 2007

RE: DMV Information Rule Change

Gentlemen:



Private Investigator Services

Background Checks, Civil, Criminal & Domestic Cases
Licensed & Bonded in West Virginia
Bachelor Degree, Criminal Justice
Reasonable Prices, Spanish Translation Available

For An Appointment Call
304-593-5926

K T Valenzuela
Private Investigator

I am a licensed and bonded private investigator in West Virginia. I work on a wide variety of cases that require me to obtain both vehicle and driver license information from the West Virginia Department of Motor Vehicles. The cases I work on include cases such as :

- Civil cases for attorneys who represent injured parties;
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You may contact me at (telephone number (304) 593-5926), or by mail at

Thank you for your consideration.

Sincerely,

Karen T. Corona Valenzuela

RECEIVED
D.M.V. COMMISSIONER
2007 OCT 29 AM 9:18

MARYLAND CLAIMS INVESTIGATION

ROBERT H. JONES, President | P.O. Box 99 | Perry Hall, Maryland 21128 | 410-256-6161 PHONE | 410-256-7520 FAX | www.mdclaims.com

October 2, 2007

Commissioner Joseph Cicchirillo
Division of Motor Vehicles
1800 Kanawha Blvd., East
Building 3
Charleston, West Virginia 25317-0010

Re: DMV Information Rule Change

RECEIVED
D.M.V. COMMISSIONER
2007 OCT 18 AM 9:38

Dear Commissioner Cicchirillo:

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You may contact me at (telephone number 410-256-6161), or by mail at P.O. Box 99, Perry Hall, Maryland 21128

Thank you for your consideration.

Sincerely,



MARYLAND CLAIMS INVESTIGATION

ROBERT H. JONES, President | P.O. Box 99 | Perry Hall, Maryland 21128 | 410-256-6161 PHONE | 410-256-7520 FAX | www.mdclaims.com

October 2, 2007

Commissioner Joseph Cicchirillo
Division of Motor Vehicles
1800 Kanawha Blvd., East
Building 3
Charleston, West Virginia 25317-0010

Re: DMV Information Rule Change

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You may contact me at (telephone number 410-256-6161), or by mail at P.O. Box 99, Perry Hall, Maryland 21128

Thankyou for your consideration.

Sincerely,



Maryland | Delaware | District of Columbia | Pennsylvania | West Virginia | Virginia (VA #11-4002)

MARYLAND CLAIMS INVESTIGATION

ROBERT H. JONES, President | P.O. Box 99 | Perry Hall, Maryland 21128 | 410-256-6161 PHONE | 410-256-7520 FAX | www.mdclaims.com

October 2, 2007

Commissioner Joseph Cicchirillo
Division of Motor Vehicles
1800 Kanawha Blvd., East
Building 3
Charleston, West Virginia 25317-0010

Re: DMV Information Rule Change

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Thank you for your consideration.

Sincerely,



MARYLAND CLAIMS INVESTIGATION

ROBERT H. JONES, President | P.O. Box 99 | Perry Hall, Maryland 21128 | 410-256-6161 PHONE | 410-256-7520 FAX | www.mdclaims.com

October 2, 2007

Commissioner Joseph Cicchirillo
Division of Motor Vehicles
1800 Kanawha Blvd., East
Building 3
Charleston, West Virginia 25317-0010

Re: DMV Information Rule Change

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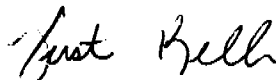
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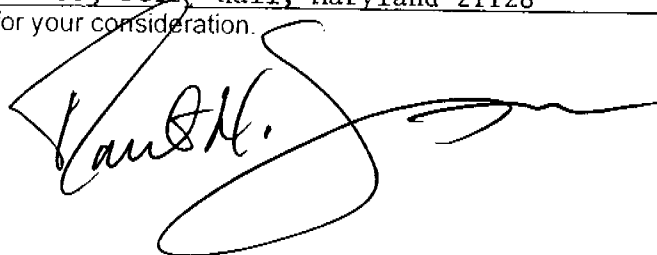
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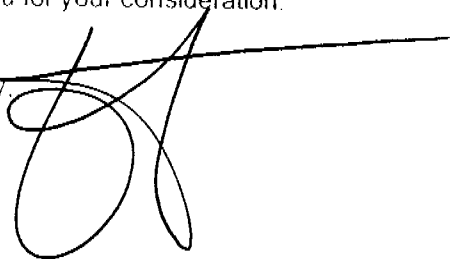
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WEST VIRGINIA
DEPARTMENT OF TRANSPORTATION
1900 Kanawha Boulevard East • Building Five • Room 109
Charleston, West Virginia 25305-0440 • 304/558-0444

Joe Manchin III
Governor

October 31, 2007

The Honorable Betty Ireland
Secretary of State
State Capitol Building
Charleston, WV 25305

Dear Madam Secretary:

The Commissioner of Motor Vehicles is hereby authorized to continue the process to promulgate proposed amendments to 91 CSR 8, Disclosure of Information from the Files of the Division of Motor Vehicles with the filing of the agency approved rule.

Comments and concerns about the contents of this rule should be directed to the Commissioner of Motor Vehicles. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Paul A. Mattox, Jr.".

Paul A. Mattox, Jr., P.E.
Secretary of Transportation/
Commissioner of Highways

PAM:sd
Enclosure