

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2719

BY DELEGATES LINVILLE, WAMSLEY AND ESPINOSA

(BY REQUEST OF THE DIVISION OF MOTOR VEHICLES)

[Introduced February 24, 2021; referred to the
Committee on Technology and Infrastructure then
Government Organization]

1 A BILL to amend and reenact §17A-2-19 of the Code of West Virginia, 1931, as amended, relating
2 to the Division of Motor Vehicles use of electronic means and other alternate means to
3 provide notice.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. DIVISION OF MOTOR VEHICLES.

§17A-2-19. Giving of notice.

1 Whenever the ~~department~~ division is authorized or required to give any notice under this
2 chapter or other law regulating the operation of vehicles, unless a different method of giving ~~such~~
3 notice is otherwise expressly prescribed, ~~such~~ notice shall be given either by personal delivery
4 thereof to the person to be so notified, ~~or~~ by deposit in the United States mail of ~~such~~ the notice
5 in an envelope with postage prepaid, addressed to ~~such~~ the person at his or her address as shown
6 by the records of the ~~department~~ division, or by electronic means to an address or designation
7 provided by the person. Notwithstanding any provision of this code to the contrary, any time the
8 division is required to deliver notice by certified or registered mail, the division may deliver notice
9 by electronic means or alternate delivery methods that verify delivery in a manner similar to
10 certified or registered mail. The giving Delivery of notice by mail is complete upon the expiration
11 of four days after ~~such~~ deposit of ~~said~~ the notice. Proof of ~~the giving of~~ notice in ~~either such~~ any
12 manner may be made by the certificate of any officer or employee of the ~~department~~ division or
13 affidavit of any person over eighteen years of age, naming the person to whom ~~such~~ the notice
14 was given and specifying the time, place, and manner of the giving thereof.

NOTE: The purpose of this bill is to allow the DMV to use electronic means to provide notice to licensees and vehicle owners with the expectation that actual notice will be provided more frequently and efficiently using modern technology for delivery.

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