

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **Senate Bill 346**

BY SENATORS WELD, SMITH, IHLENFELD, NELSON, AND

JEFFRIES

[Introduced February 18, 2021; referred  
to the Committee on Transportation and  
Infrastructure]

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 code provision to the contrary, any time the division  
 8 is required to deliver notice by certified or registered mail, the division may deliver notice by  
 9 electronic means or alternate delivery methods that verify delivery in a manner similar to certified  
 10 or registered mail. The giving Delivery of notice by mail is complete upon the expiration of four  
 11 days after such deposit of ~~said~~ the notice. Proof of the giving of notice in ~~either such~~ any manner  
 12 may be made by the certificate of any officer or employee of the ~~department~~ division or affidavit  
 13 of any person over 18 years of age, naming the person to whom ~~such~~ the notice was given and  
 14 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.