

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Committee Substitute

for

Senate Bill 346

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[Originating in the Committee on Transportation and

Infrastructure; reported on March 10, 2021]

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

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. DIVISION OF MOTOR VEHICLES.

§17A-2-19. Giving of notice.

1 (a) Whenever the ~~department~~ division is authorized or required to give any notice under
2 this chapter or other law regulating the operation of vehicles, unless a different method of giving
3 such notice is otherwise expressly prescribed or authorized, such notice shall be given either by
4 personal delivery thereof to the person to be so notified, or by deposit in the United States mail of
5 ~~such~~ the notice in an envelope with postage prepaid, addressed to ~~such~~ the person at his or her
6 address as shown by the records of the ~~department~~ division.

7 (b) (1) Notwithstanding any provision in this chapter, chapter 17B, chapter 17D, or chapter
8 17G of this code to the contrary, whenever the division is required to deliver notice by United
9 States mail, certified mail, or registered mail, the division may instead deliver such notice by
10 electronic means as provided in this subsection. For purposes of this subsection, “notice by
11 electronic means” or “electronic notice” means notice by electronic mail, text message, online
12 portal of the division, mobile application of the division, or alternate delivery method having the
13 capability of generating a read receipt or other confirmation of access of the notice.

14 (2) Electronic notice may be used for any person who provided the division with means
15 for electronic access to such person. The division shall make reasonable methods available to its
16 customers to provide and update contact information for electronic notice.

17 (3) Delivery of electronic notice is complete upon receipt by the division of evidence of
18 electronic notice access. If there is no confirmation of access of the electronic notice within four
19 days, the division shall provide additional notice by United States mail, either regular mail or
20 certified mail, at the discretion of the division. ~~The giving~~

21 (c) Delivery of notice by mail is complete upon the expiration of four days after such deposit
22 of ~~said~~ the notice. Proof of the giving of notice in ~~either such~~ any manner may be made by the
23 certificate of any officer or employee of the ~~department~~ division or affidavit of any person over 18
24 years of age, naming the person to whom ~~such~~ the notice was given, and specifying the time,
25 place, and manner of the giving thereof.