

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 346

BY SENATORS WELD, SMITH, IHLENFELD, NELSON, AND

JEFFRIES

[Passed April 2, 2021; in effect 90 days from passage (July 1, 2021)]

1 AN ACT to amend and reenact §17A-2-19 of the Code of West Virginia, 1931, as amended,
2 relating to the use by the Division of Motor Vehicles of electronic means and other
3 alternate means 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 division is authorized or required to give any notice under this chapter
2 or other law regulating the operation of vehicles, unless a different method of giving such notice
3 is otherwise expressly prescribed or authorized, such notice shall be given either by personal
4 delivery thereof to the person to be so notified, or by deposit in the United States mail of the notice
5 in an envelope with postage prepaid, addressed to the person at his or her address as shown by
6 the records of the 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.

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

.....
Chairman, Senate Committee

.....
Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

.....
Clerk of the Senate

.....
Clerk of the House of Delegates

.....
President of the Senate

.....
Speaker of the House of Delegates

The within this the.....
Day of, 2021.

.....
Governor