WEST VIRGINIA CODE: §17a-2-19

§17A-2-19. Giving of notice.

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

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

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

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

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

WV Legislature