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)]
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[Passed April 2, 2021; in effect 90 days from passage (July 1, 2021)]
AN ACT to amend and reenact §17A-2-19 of the Code of West Virginia, 1931, as amended, relating to the use by the Division of Motor Vehicles of electronic means and other alternate means when providing notice.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. DIVISION OF MOTOR VEHICLES.


(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.
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 is approved this the 15th Day of April, 2021.

Governor
PRESENTED TO THE GOVERNOR

APR 06 2021

Time 3:54 pm