

February 21, 1995 LB 830

certified and first class mail have, well, I think confused probably wouldn't be the...wouldn't be the exact word, but may I ask you a question, please.

SENATOR HALL: Senator Chambers, would you respond?

SENATOR CHAMBERS: Yes, and I'm not skeptical.

SENATOR COORDSEN: If there is certified mail, you go down to the postoffice and you pay the dollars and you get a...there's a two, as I recall, a two-piece or a multipage or something like that, and when the mail is delivered you get a return or the postoffice where the mail originated gets a confirmation that the party to whom the mail was addressed did receive it and had to sign on this form and the postoffice saw that back. What happens if they can't find the addressee or the addressee refuses? Does the mail then come back to the original sender?

SENATOR CHAMBERS: Yes, as undeliverable or addressee, whatever.

SENATOR COORDSEN: Okay. And then from the legal perspective, and this is what I am not sure of, then for the person who was required to give notice by certified mail that they have the proof that they did, in fact, send it to this person at this address and even though that person didn't accept it or it was three days or whatever it is in the postoffice and unclaimed and then came back, they have the legal response that they did, in fact, comply with the law and the person was, in fact, noticed. Is that correct?

SENATOR CHAMBERS: It could be considered what they call constructive notice where you have done what the law requires you to do to try to notify the person and once having done that, even if they don't receive actual notice, you will have done what the law said and you will have the proof other than you just saying that you did it.

SENATOR COORDSEN: Okay, now the second question then would be, I happen to know that, from a practical point of view, people in rural areas, under our rural mail delivery system, it is much easier to get a notice or a whatever the reason for mail would be to a person by first class mail, you know, because the delivery person, the rural mail carrier takes it, puts it in the box and it's there and then they go on and there's no proof that they got it. But it is...the certified mail presents some real