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HOUSE BILL NO. 725

Offered January 21, 2000

A BILL to amend and reenact §§ 17.1-255, 17.1-257, and 17.1-258 of the Code of Virginia, and to amend the Code of Virginia by adding in Article 4 of Chapter 2 of Title 17.1 a section numbered 17.1-258.1, relating to electronic filing of documents.

Patrons—Rust, Almand, Bolvin, Devolites, Howell, O'Brien, Plum, Scott and Watts

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 17.1-255, 17.1-257, and 17.1-258 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding in Article 4 of Chapter 2 of Title 17.1 a section numbered 17.1-258.1 as follows:

§ 17.1-255. (Effective until July 1, 2004) Definition.

As used in this article, "electronic filing of documents" means the filing of data transmitted to a circuit court clerk by the communication of ~~written~~ information ~~originally displayed in written form, as defined in § 1-13.32, in the form of digital electronic signals transformed~~ transmitted by computer and stored on microfilm, magnetic tape, optical disks, or CD-ROM. Filing of data in the form of digital electronic signals may be transmitted via an electronic network, such as the global information system known as the Internet.

§ 17.1-257. (Effective until July 1, 2004) Completion of electronic filing; transmission and distribution of data.

A. To complete an electronic filing:

1. The person filing ~~an instrument~~ a document with the circuit court clerk must transmit the ~~instrument document~~ document electronically; and

2. The receiving station must transmit acknowledgment of receipt of the transmission to the sending party by encoding electronic receipt of the transmission;

3. The sending station must encode validation of the encoded receipt as correct; and

4. The receiving station must respond by encoded transcription into the computer system that validation has occurred and that the electronic transmission has been completed.

B. Upon completion of an electronic filing, a receiving station shall transmit data to the appropriate court as required and distribute data as required by statute or rule. ~~Data must be distributed or transmitted from or through the medium of direct computer transmission, or via an electronic network, microfilm, magnetic tape or disk, or optical disks, or CD-ROM.~~

§ 17.1-258. (Effective until July 1, 2004) Signature; when effective as originals.

A. If the sender of an electronically filed document files an affidavit of authenticity along with the electronic filing and the electronic transmission bears a facsimile or printing of the required signature, ~~electronic signature pursuant to § 59.1-469 or unique electronic identification~~, any statutory requirement for an original signature shall be deemed to be satisfied. *The requirement of an affidavit of authenticity can be met by the use of a certificate of authority.* Any reproduction of the electronically filed document must bear a copy of the signature. The electronically reproduced document shall be accepted as the signature document for all court-related purposes unless the original with the original signature affixed is requested by motion of one or more parties to a pending action or is otherwise required by law. If the court grants the motion of a party, the order shall provide that the original be filed with the court.

B. *If the electronically filed document originated in an electronic format and contains an electronic signature pursuant to § 59.1-469 or an unique electronic identification, any statutory requirement for an original signature shall be deemed to be satisfied.*

C. *Any statutory requirement for a document to be notarized shall be deemed satisfied by the secure electronic signature of such notary.*

§ 17.1-258.1. Expiration of article.

The provisions of this article shall expire on July 1, 2004.

INTRODUCED

HB725