

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 17.1-255, 17.1-256, and 17.1-258 of the Code of Virginia, 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, and to repeal § 17.1-257 of the Code of Virginia, relating to electronic filing of documents.

[H 725]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 17.1-255, 17.1-256, 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 written information as defined in § 1-13.32, in the form of electronic signals, with a circuit court clerk by the communication of information originally displayed in written form, in the form of digital electronic signals transformed by computer and stored on microfilm, magnetic tape, optical disks, or CD-ROM. *Electronic filing of data in the form of digital electronic signals documents may be transmitted accomplished via an electronic network, such as the global information system known as the Internet.*

§ 17.1-256. (Effective until July 1, 2004) Electronic filing of documents authorized.

A clerk of a circuit court may establish a system for electronic filing of documents as herein provided. Any clerk requesting funding from the Technology Trust Fund under § 17.1-279 to establish an electronic filing system must submit a plan for implementation to the Council of Information Management, or its successor agency or office, for technical review, unless the clerk uses a system developed or authorized by the Supreme Court of Virginia. Once established, federal, state, and local governmental entities, or political subdivisions thereof, and quasi-governmental agencies, corporations, and or authorities, including but not limited to Fannie Mae, Freddie Mac, and VHDA, may electronically file land records, instruments, judgments, U.C.C. financing statements, and any other papers in civil or criminal actions approved by the Supreme Court of Virginia. The Supreme Court shall adopt rules governing electronic filing in such actions. *The circuit court clerk shall enter into an agreement with each entity which the clerk authorizes to file documents electronically, specifying the receiving station to be used and the electronic filing procedures to be followed, including, but not limited to, security procedures, as defined in the Uniform Electronic Transactions Act, for transmitting notarized documents.* The place of filing is the receiving station designated by the circuit court clerk to which electronic information is transmitted.

§ 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 record, as defined in the Uniform Electronic Transactions Act, and includes one or more electronic signatures, as defined in the Uniform Electronic Transactions Act, 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 may be met by the electronic signature of the sender with agreed upon security procedures, as defined in the Uniform Electronic Transactions Act. 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 contains an electronic signature pursuant to the Uniform Electronic Transactions Act, 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 appropriately executed electronic signature of such notary.

§ 17.1-258.1. Expiration of article.

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

2. That § 17.1-257 of the Code of Virginia is repealed.

ENROLLED

HB725ER