

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 58.1-801 and 58.1-802 of the Code of Virginia, relating to state recordation taxes.

[H 2814]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-801 and 58.1-802 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-801. Deeds generally; charter amendments.

A. On every deed admitted to record, except a deed exempt from taxation by law, there is hereby levied a state recordation tax. The rate of the tax shall be fifteen cents on every \$100 or fraction thereof of the consideration of the deed or the actual value of the property conveyed, whichever is greater paid, and such consideration shall be stated on the deed. However, no deed shall be refused admission to record or be considered invalid in any way solely because such consideration is not stated thereon.

Upon deeds conveying property lying partly within the Commonwealth and partly without the Commonwealth, the tax herein imposed shall apply only to the value of so much of portion of the consideration paid for the property conveyed as that is situated within the Commonwealth.

B. When the charter of a corporation is amended, and the only effect of such amendment is to change the corporate name of such corporation, the tax upon the recordation of a deed conveying to, or vesting in, such corporation under its changed name, the title to any or all of the real or personal property of such corporation held in its name as it existed immediately prior to such amendment, shall be fifty cents.

§ 58.1-802. Additional tax paid by grantor; collection.

A. In addition to any other tax imposed under the provisions of this chapter, a tax is hereby imposed on each deed, instrument, or writing by which lands, tenements or other realty sold is granted, assigned, transferred, or otherwise conveyed to, or vested in the purchaser, or any other person, by such purchaser's direction. The rate of the tax, when the consideration or value of for the interest exceeds \$100, shall be ~~50¢~~ fifty cents for each \$500 or fraction thereof, exclusive of the value of any lien or encumbrance remaining thereon at the time of the sale, whether such lien is assumed or the realty is sold subject to such lien or encumbrance. *Such consideration shall be stated on the deed, instrument, or writing; however, no such deed, instrument, or writing shall be denied admission to record or be considered invalid in any way solely because the consideration is not stated therein.* No increase in the city or county recordation tax authorized by § 58.1-814 shall be deemed authorized by this section.

The tax imposed by this section shall be paid by the grantor, or any person who signs on behalf of the grantor, of any deed, instrument or writing subject to the tax imposed by this section.

No such deed, instrument or other writing shall be admitted to record without certification of the clerk of the court wherein first recorded having been affixed thereto that the tax imposed by this section has been paid. The clerk shall include within the certificate the amount of such tax collected thereon.

B. Taxes imposed by this section shall be collected as provided in § 58.1-812 and the clerk shall return taxes collected hereunder one-half into the state treasury and one-half into the treasury of the locality.

The local portion of the tax imposed by this section on property which is located in more than one jurisdiction shall be collected by the clerk in proportion to the value of the property located in each such locality when recorded therein.

Every clerk of court collecting taxes under this section for the county or city which he serves shall be entitled to compensation for such service at five percent of the amount so collected and paid.

2. That the provisions of this act shall not become effective unless reenacted by the 2002 Session of the General Assembly.

3. That the Department of Taxation shall work with the Virginia Court Clerks Association to determine the impact that the provisions of this act will have on state and local recordation tax revenues. The Department of Taxation shall report its findings to the chairmen of the House and Senate Finance Committees and the Secretary of Finance by December 1, 2001.

REENROLLED

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