

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend the Code of Virginia by adding in Article 7 of Chapter 6 of Title 55 sections numbered 55-142.10, 55-142.11, 55-142.12, 55-142.14, and 55-142.15, relating to reenacting the Uniform Real Property Electronic Recording Act.

[S 448]

Approved

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 7 of Chapter 6 of Title 55 sections numbered 55-142.10, 55-142.11, 55-142.12, 55-142.14, and 55-142.15, as follows:

Article 7.

Uniform Real Property Electronic Recording Act.

§ 55-142.10. Definitions.

As used in this article, terms shall have the meanings as defined below:

"Clerk" means a clerk of the circuit court.

"Document" means information that is:

A. inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form, and

B. eligible to be recorded in the land records maintained by the clerk.

"Electronic," as defined in Uniform Electronic Transactions Act (§ 59.1-479 et seq.), means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

"Electronic document" means a document received by the clerk in electronic form.

"Electronic notarization" means an official act by a notary public in accordance with the Virginia Notary Act (§ 47.1-1 et seq.) and § 55-118.3 with respect to an electronic document.

"Electronic signature," as defined in the Uniform Electronic Transactions Act (§ 59.1-479 et seq.), means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

"eRecording System" is the automated electronic recording system implemented by the clerk for the recordation of electronic documents among the land records maintained by the clerk.

"Filer" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public body, public corporation, government, or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity who files an electronic document among the land records maintained by the clerk.

"Land records document" means any writing authorized by law to be recorded, whether made on paper or in electronic format, which the clerk records affecting title to real property.

§ 55-142.11. Validity of electronically filed and recorded land records.

A. If a law requires, as a condition for recording, that a land records document be an original, be on paper or another tangible medium, or be in writing, an electronic land records document satisfying this act satisfies the law.

B. If a law requires, as a condition for recording, that a land records document be signed, an electronic signature satisfies the law.

C. A requirement that a land records document or a signature associated with a land records document be notarized, acknowledged, verified, witnessed, or made under oath is satisfied if the electronic notarization of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the land records document or signature. A physical or electronic image of a stamp, impression, or seal of the notary is not required to accompany an electronic signature.

§ 55-142.12. Recording of electronic documents among the land records.

A. A clerk of a circuit court who implements an eRecording System shall do so in compliance with standards established by the Virginia Information Technologies Agency.

B. A clerk of a circuit court may receive, index, store, archive, and transmit electronic land records.

C. A clerk of a circuit court may provide for access to, and for search and retrieval of, land records by electronic means.

D. A clerk of a circuit court who accepts electronic documents for recording among the land records shall continue to accept paper land records and shall place entries for both types of land records in the same indices.

57 *E. A clerk of a circuit court may convert paper records accepted for recording into electronic form.*
58 *The clerk of circuit court may convert into electronic form land records documents recorded before the*
59 *clerk of circuit court began to record electronic records.*

60 *F. Any fee or tax that a clerk of circuit court is authorized to collect may be collected electronically.*
61 *§ 55-142.14. Uniformity of application and construction.*

62 *In applying and construing this act, consideration shall be given to the need to promote uniformity*
63 *of the law with respect to its subject matter among states that enact it.*

64 *§ 55-142.15. Relation to Electronic Signatures in Global and National Commerce Act.*

65 *To the extent allowed by law, this act modifies, limits, and supersedes the federal Electronic*
66 *Signatures in Global and National Commerce Act (15 U.S.C. § 7001, et seq.) but does not modify, limit,*
67 *or supersede § 101(c) of that act (15 U.S.C. § 7001(c)) or § 104 of that act (15 U.S.C. § 7004), or*
68 *authorize electronic delivery of any of the notices described in § 103(b) of that act (15 U.S.C.*
69 *§ 7003(b)).*