

081736328

SENATE BILL NO. 622

Offered January 9, 2008

Prefiled January 9, 2008

A BILL to amend and reenact §§ 8.01-446, 8.01-446.1, 8.01-449, 17.1-225, 17.1-226, 17.1-227.1, 17.1-228, 17.1-244, 17.1-249, 17.1-258.3, 17.1-258.4, 17.1-275, and 17.1-276 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 17.1-258.3:1 and 17.1-276.1 and by adding in Article 8 of Chapter 2 of Title 17.1 a section numbered 17.1-295, relating to electronic filing of land records; digital reproduction; recordation of judgments; secure remote access; deed cover sheets; fees collected by clerks.

Patron—Stolle

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-446, 8.01-446.1, 8.01-449, 17.1-225, 17.1-226, 17.1-227.1, 17.1-228, 17.1-244, 17.1-249, 17.1-258.3, 17.1-258.4, 17.1-275, and 17.1-276 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 17.1-258.3:1 and 17.1-276.1 and by adding in Article 8 of Chapter 2 of Title 17.1 a section numbered 17.1-295 as follows:

§ 8.01-446. Clerks to keep judgment dockets; what judgments to be docketed therein.

The clerk of each court of every circuit shall keep in his office, in a well-bound book, or by microphotographic or electronic process allowed by § 17.1-240, a judgment docket, in which he shall docket, without delay, any judgment for a specific amount of money rendered in his court, and shall likewise docket without delay any judgment for a specific amount of money rendered in this Commonwealth by any other court of this Commonwealth or federal court, when he shall be required so to do by any person interested, on such person delivering to him an authenticated legible abstract of it and also upon the request of any person interested therein, any such judgment rendered by a district court judge whose book has been filed in his office under the provisions of Title 16.1 or of which a legible abstract is delivered to him certified by the district court judge who rendered it; provided, that judgments docketed in the clerk's office of the Circuit Court of the City of Williamsburg and the County of James City shall be docketed and indexed in one book. A specific judgment for money shall state that it is a judgment for money in a specific amount in favor of a named party, against a named party, with that party's address, if known, and it shall further state the time from which the judgment bears interest. An order of restitution docketed pursuant to § 19.2-305.2 shall have the same force and effect as a specific judgment for money and shall state that it is an order of restitution in a specific amount in favor of a named party, against a named party, with that party's address, if known, and it shall further state the time from which the judgment bears interest. If the clerk determines that an abstract is not legible, the clerk shall refuse to record it and shall return it to the person who tendered the abstract for recording.

§ 8.01-446.1. Keeping of docket books by clerk of court using micrographic process; form.

Whenever judgments are docketed in the judgment lien book in the office of the clerk of the circuit court and are recorded by a procedural micrographic process as provided in § 17.1-240, or by any other method or process which renders impractical or impossible the subsequent entry of notations upon the docketed judgment, an appropriate certificate of assignment, release, partial release, certified copy of any order, or other separate instrument setting forth the necessary information as provided in this section shall be recorded and indexed according to law. Such instrument shall conform substantially with the following form:

TYPE OF FILING (Check One)

() Assignment ORIGINAL BOOK # PAGE

() Release

() Partial Release ORIGINAL DATE DOCKETED:

() Credit(s)

() Additional Debtor(s)

() New Name of Debtor

Date of Judgment:

Amount of Judgment:

Plaintiff(s):

INTRODUCED

SB622

58 Defendant(s):
 59 Assignee (If assignment):
 60 Payments (If credits): AMOUNT DATE PAID
 61 (Complete below if additional debtor or change of name of debtor)
 62 Debtor:
 63 Social Security Number of Debtor (*Last Four Digits*)(If known):
 64 Given under my hand this day of,
 65
 66 (Plaintiff) (Attorney for Plaintiff)
 67 (Authorized Agent for Plaintiff)

68 Any judgment creditor who knowingly gives false information upon such
 69 certificate made under this section shall be guilty of a Class 1 misdemeanor.

70 § 8.01-449. How judgments are docketed.

71 A. The judgment docket required by § 8.01-446 may be kept in a well-bound book, or any other
 72 media permitted by § 17.1-240. The date and time of docketing shall be recorded with each judgment
 73 docketed. The clerk of the circuit court of any county using card files on July 1, 1975, may continue to
 74 use the card file system. The docketing may be done by copying the wording of the judgment order
 75 verbatim or by abstracting the information therefrom into a book or into fixed fields of an electronic
 76 data storage system. Where a procedural microphotographic system is used, the docketing may be done
 77 by recording and storing a retrievable image of the judgment order, judgment abstract, or other source
 78 document such as a certificate of assignment or release. Where an electronic imaging system is used, the
 79 document image shall be stored in a data format which permits recall of the image. *Any judgment*
 80 *docketed pursuant to this subsection shall contain the information required by subsection B.*

81 B. Where a well-bound book is used for the judgment docket there shall be stated in separate
 82 columns (i) the date and amount of the judgment, (ii) the time from which it bears interest, (iii) the
 83 costs, (iv) the full names of all the parties thereto, including the address, date of birth and the last four
 84 digits of the social security number, if known, of each party against whom judgment is rendered, (v) the
 85 alternative value of any specific property recovered by it, (vi) the date and the time of docketing it, (vii)
 86 the amount and date of any credits thereon, (viii) the court by which it was rendered and the case
 87 number, and (ix) when paid off or discharged in whole or in part, the time of payment or discharge and
 88 by whom made when there is more than one defendant. And in case of a judgment or decree by
 89 confession, the clerk shall also enter in such docket the time of day at which the same was confessed, or
 90 at which the same was received in his office to be entered of record. There shall also be shown on such
 91 book the name of the plaintiff's attorney, if any.

92 C. Error or omission in the entry of the address or addresses or the social security number or
 93 numbers of each party against whom judgment is rendered shall in no way affect the validity, finality or
 94 priority of the judgment docketed.

95 D. Beginning July 1, 2010, any judgment made available to subscribers via secure remote access
 96 pursuant to § 17.1-294 shall contain only the last four digits of the social security number of any party.
 97 However, the information otherwise required in the judgment docket pursuant to ~~subsection B~~ of this
 98 section shall be provided.

99 E. The attorney or party who prepares or submits the judgment for recordation has the responsibility
 100 for ensuring that only the last four digits of the social security number are included in the judgment
 101 prior to the instrument's being submitted for recordation. The clerk has the authority to reject any
 102 judgment that does not comply with the provisions of this section.

103 § 17.1-225. Remote access to nonconfidential court records.

104 The clerk of the circuit court of any county or city may provide remote access, including Internet
 105 access, to all nonconfidential court records maintained by his office and described in § 17.1-242. The
 106 clerk shall be responsible for insuring that proper security measures are implemented and maintained to
 107 prevent remote access users from obtaining any data that are confidential under this Code and to prevent
 108 the modification or destruction of any records by remote access users. For purposes of this section,
 109 remote access users are those individuals who are not employees of the clerk's office. *Secure remote*
 110 *access to land records shall be governed by § 17.1-294.*

111 § 17.1-226. Remote access to certain agencies from clerk of court.

112 The governing body of any ~~county or city~~ *locality* may give the clerk of its circuit court, ~~pursuant to~~
 113 ~~§ 17.1-225, the authority to provide remote access users with information from county, city or local~~
 114 ~~agencies that the clerk may provide to remote access users.~~

115 § 17.1-227.1. Use of cover sheets on deeds or other instruments by circuit court clerks.

116 Circuit court clerks may require that any deed or other instrument conveying or relating to an interest
 117 in real property be filed with a cover sheet detailing the information contained in the deed or other
 118 instrument necessary for the clerk to properly index such instrument. The cover sheet shall be developed

in conjunction with the Supreme Court of Virginia. *The attorney or party who prepares or submits the cover sheet on any deed or other instrument conveying or relating to an interest in real property for recordation has the responsibility for ensuring the accuracy of the information contained in the cover sheet.*

The cover sheet shall not be included as a page for determining the amount of any applicable filing fees pursuant to subdivision A 2 of § 17.1-275, nor shall the cover sheet be construed to convey title to any interest in real property or purport to be a document in the chain of title conveying any interest in real property.

§ 17.1-228. Recording releases of deeds of trust, partial releases of deeds of trust, court ordered releases, or other liens or assignments in cities and counties using microfilm.

Notwithstanding any other provision of law, whenever the writings required by law to be recorded in the deed book in the office of the clerk of the circuit court of any city or county are recorded by a microphotographic process or by any other method or process which renders impractical or impossible the subsequent entering of marginal notations upon a recorded instrument, an appropriate certificate, certificate of satisfaction, certificate of partial satisfaction, certified copy of order, or other separate instrument setting forth the necessary information shall be recorded and indexed according to law.

When existing deed books in the office of the clerk of the circuit court of any county or city are to be microfilmed *or digitally reproduced* for security purposes, the clerk may provide that marginal notations to accomplish the release of deeds of trust or other liens shall not be made in such deed book so microfilmed *or digitally reproduced*.

§ 17.1-244. Books, etc., in clerks' offices rebound, transcribed, microfilmed or digitally reproduced; credit given to transcripts, etc.

Any court of record or, if so designated by the judge, the clerk thereof may cause any of the books or records in the clerk's office which may be in need thereof to be rebound, transcribed, microfilmed or digitally reproduced. The same faith and credit shall be given to such transcript or reproductions from the microfilm *or digitally reproduced record* as the book or record transcribed would have been entitled to.

§ 17.1-249. General indexes for clerks' offices; daily index.

A. There shall be kept in every clerk's office modern, family name or ledgerized alphabetical key-table general indexes to all deed books, miscellaneous liens, will books, judgment dockets and court order books. The clerk shall enter daily either in such general indexes or in the daily index to instruments admitted to record every deed, corrected or amended deed, deed of release, deed of trust, contract of sale, or any addendum or memorandum relating to any of these instruments, indexing each instrument in the names of all parties listed in the first clause of each instrument as required by §§ 55-48 and 55-58. Any clerk, deputy clerk, or employee of any clerk who so indexes any such instrument shall index any name appearing in the first clause of the original instrument, *unless the instrument is submitted for recordation with a cover sheet pursuant to § 17.1-227.1, in which case, the instrument may be indexed by the information contained in the cover sheet.*

B. A deed made to one or more trustees to secure the payment of an indebtedness, and any certificate of satisfaction or certificate of partial satisfaction, assignment, loan modification agreement, substitution of trustees or similar instrument subsequently recorded with respect to such deed, shall be sufficiently indexed if the clerk enters in the appropriate places in the general index to deeds provided for in subsection A the names of the grantor and the name of the beneficiary or, in lieu of the name of the beneficiary, the first listed trustee as grantee. The beneficiary need not be named in the first clause of the deed as a condition of recordation.

C. A deed made by a person in a representative capacity, or by devisees or coparceners, shall be indexed in the names of the grantors and grantees and the name of the former record title owner listed in the first clause of the instrument.

D. The general indexes of civil causes shall be sufficiently kept if the clerk indexes such causes under the short style or title thereof, except that in multiple suits brought under § 58.1-3968, the names of all of the defendants disclosed by the pleadings shall be entered in the general index or book.

E. Every deed of conveyance of real estate in which a vendor's lien is reserved shall be double indexed so as to show not only the conveyance from the grantor to the grantee in the instrument, but also the reservation of the lien as if it were a grant of the same from the grantee to the grantor by a separate instrument and the fact of the lien shall be noted in the index.

F. All deed books, miscellaneous liens, will books, judgment dockets, and court order books shall be numbered or otherwise adequately designated and the clerk upon the delivery of any writing to him for record required by law to be recorded shall duly index it upon the general index in the manner hereinbefore required. When the writing has been actually transcribed on the book, the clerk shall add to the general index the number of the book in which, and the page on which, the writing is recorded.

G. The clerk on receipt of any such writing for record may immediately index it in a book to be

known as the "daily index of instruments admitted to record" and within 90 days after its admission to record the clerk shall index all such writings indexed in the daily index in the appropriate general index as hereinbefore provided. The daily index book shall, at all times, be kept in the office of the clerk and conveniently available for examination by the public. During the period permitted for transfer from the daily index to the general index, indexing in the daily index shall be a sufficient compliance with the requirements of this section as to indexing.

H. The judge of any circuit court may make such orders as he deems advisable as to the time and method of indexing the order books in the clerk's office of the court and may dispense with a general index for order books of the court.

I. The clerk may maintain his indexes on computer, word processor, microfilm, microfiche, or other micrographic medium and, in addition, may maintain his grantor and grantee indexes on paper.

§ 17.1-258.3. Electronic filing in civil or criminal actions.

A clerk of circuit court may establish a system for electronic filing ~~or recordation of documents pursuant to the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). Once established, any person, as defined in subdivision 11 of § 59.1-480, may electronically file land records, instruments, judgments, and UCC financing statements.~~ Electronic filing of papers in civil or criminal actions that shall be governed by Rule 1:17 of the Rules of Supreme Court of Virginia. The circuit court clerk shall enter into an agreement with each person whom the clerk authorizes to file documents electronically, specifying 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.

§ 17.1-258.3:1. *Electronic filing of land records.*

A clerk of a circuit court may provide a network or system for electronic filing of land records in accordance with the Uniform Real Property Electronic Recording Act (§ 55-142.10 et seq.) and the provisions of Article 2.1 (§ 55-66.8 et seq.) of Chapter 4 of Title 55 regarding the satisfaction of mortgages. The clerk may charge a fee to be assessed for each instrument recorded electronically in an amount not to exceed \$5 per document. The fee shall be paid to the clerk's office and deposited by the clerk into a special nonreverting local fund to be used to cover operational expenses of such network or system. Operational expenses of such network or system shall include, but not be limited to, computer support, maintenance, enhancements, upgrades, and replacements, and consulting services. The clerk shall enter into an electronic filing agreement with each filer in accordance with Virginia Real Property Electronic Recording Standards established by the Virginia Information Technologies Agency. Nothing herein shall be construed to prevent the clerk from entering into agreements with designated application service providers to provide all or part of the network or system for electronic filing of land records as provided herein.

§ 17.1-258.4. Signature; when effective as original.

A. If the electronically filed document contains an electronic signature pursuant to the Uniform Electronic Transactions Act (§ 59.1-479 et seq.), any statutory requirement for original signature shall be deemed to be satisfied.

B. Any statutory requirement for a document to be notarized shall be deemed satisfied by the appropriately executed electronic signature of such notary pursuant to the Virginia Notary Act (§ 47.1-1 et seq.).

§ 17.1-275. Fees collected by clerks of circuit courts; generally.

A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the following fees:

1. —Repealed.]

2. For recording and indexing in the proper book any writing and all matters therewith, or for recording and indexing anything not otherwise provided for, \$46 20 for an instrument or document consisting of 10 or fewer pages or sheets; \$30 40 for an instrument or document consisting of 11 to 30 pages or sheets; and \$50 60 for an instrument or document consisting of 31 or more pages or sheets. Whenever any writing to be recorded includes plat or map sheets no larger than eight and one-half inches by 14 inches, such plat or map sheets shall be counted as ordinary pages for the purpose of computing the recording fee due pursuant to this section. A fee of \$45 25 per page or sheet shall be charged with respect to plat or map sheets larger than eight and one-half inches by 14 inches. Only a single fee as authorized by this subdivision shall be charged for recording a certificate of satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. One dollar and fifty cents of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.

3. For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, \$20 30 for estates not exceeding \$50,000, \$25 35 for estates not exceeding \$100,000 and \$30 40 for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 15,000 or less.

4. For entering and granting and for issuing any license, other than a marriage license or a hunting and fishing license, and administering an oath when necessary, \$4020.

5. For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, \$4020.

6. For making out any bond, other than those under § 17.1-267 or subdivision A 4, administering all necessary oaths and writing proper affidavits, \$35.

7. For all services rendered by the clerk in any garnishment or attachment proceeding, the clerk's fee shall be \$15 25 in cases not exceeding \$500 and \$25 35 in all other cases.

8. For making out a copy of any paper, record, or electronic record to go out of the office, which is not otherwise specifically provided for herein, a fee of \$0.50 for each page or, if an electronic record, each image. ~~From such fees, the clerk shall reimburse the locality the costs of making out the copies and pay the remaining fees directly to the Commonwealth. The funds to recoup the cost of making out the copies shall be deposited with the county or city treasurer or Director of Finance, and the governing body shall budget and appropriate such funds to be used to support the cost of copies pursuant to this subdivision. For purposes of this section, the costs of making out the copies shall include lease and maintenance agreements for the equipment used to make out the copies, but shall not include salaries or related benefits. The copy fees shall be paid to the clerk's office and deposited by the clerk into a special nonreverting local fund to be used to cover operational expenses of automation of the networks or systems in the clerk's office. Operational expenses of such networks or systems shall include, but not be limited to, computer support, maintenance, enhancements, upgrades, and replacements, and consulting services.~~ The costs of copies shall otherwise be determined in accordance with § 2.2-3704. However, there shall be no charge to the recipient of a final order or decree to send an attested copy to such party.

9. For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, the clerk shall charge \$2 5 and for attaching the certificate of the judge, if the clerk is requested to do so, the clerk shall charge an additional \$0.50.

10. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee of ~~\$150~~ 200 for each felony conviction and each felony disposition under § 18.2-251 which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund.

11. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee for each misdemeanor conviction and each misdemeanor disposition under § 18.2-251, which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund as provided in § 17.1-275.8.

12. Upon the defendant's being required to successfully complete traffic school or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

13. In all civil actions that include one or more claims for the award of monetary damages the clerk's fee chargeable to the plaintiff shall be ~~\$60~~ 70 in cases seeking recovery not exceeding \$50,000, \$10 of which shall be apportioned to the Courts Technology Fund established under § 17.1-132; ~~\$440~~ 125 in cases seeking recovery not exceeding \$100,000, \$10 of which shall be apportioned to the Courts Technology Fund established under § 17.1-132; and ~~\$460~~ 175 in cases seeking recovery exceeding \$100,000, \$10 of which shall be apportioned to the Courts Technology Fund established under § 17.1-132. A fee of \$25 35 shall be paid by the plaintiff at the time of instituting a condemnation case, in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. The fees prescribed above shall be collected upon the filing of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

13a. For the filing of any petition seeking court approval of a settlement where no action has yet been filed, the clerk's fee, chargeable to the petitioner, shall be \$5075, to be paid by the petitioner at the time of filing the petition.

14. In addition to the fees chargeable for civil actions, for the costs of proceedings for judgments by confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered or certified mail; (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the amount of the confessed judgment; (iii) for the sheriff for serving each copy of the order entering judgment, \$12; and (iv) for docketing the judgment and issuing executions thereon, the same fees as prescribed in subdivision A 17.

15. For qualifying notaries public, including the making out of the bond and any copies thereof,

303 administering the necessary oaths, and entering the order, \$4025.

304 16. For each habeas corpus proceeding, the clerk shall receive \$40 25 for all services required
305 thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

306 17. For docketing and indexing a judgment from any other court of this Commonwealth, for
307 docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of
308 § 8.01-451, but not when incident to a divorce, for noting and filing the assignment of a judgment
309 pursuant to § 8.01-452, a fee of \$515; and for issuing an abstract of any recorded judgment, when
310 proper to do so, a fee of \$515; and for filing, docketing, indexing and mailing notice of a foreign
311 judgment, a fee of \$2035.

312 18. For all services rendered by the clerk in any court proceeding for which no specific fee is
313 provided by law, the clerk shall charge \$4025, to be paid by the party filing said papers at the time of
314 filing; however, this subdivision shall not be applicable in a divorce cause prior to and including the
315 entry of a decree of divorce from the bond of matrimony.

316 19, 20. —Repealed.]

317 21. For making the endorsements on a forthcoming bond and recording the matters relating to such
318 bond pursuant to the provisions of § 8.01-529, \$45.

319 22. For all services rendered by the clerk in any proceeding pursuant to § 57-8 or 57-15, \$4025.

320 23. For preparation and issuance of a subpoena duces tecum, \$510.

321 24. For all services rendered by the clerk in matters under § 8.01-217 relating to change of name,
322 \$2035; however, this subdivision shall not be applicable in cases where the change of name is incident
323 to a divorce.

324 25. For providing court records or documents on microfilm, per frame, \$0.50.

325 26. In all divorce and separate maintenance proceedings, and all civil actions that do not include one
326 or more claims for the award of monetary damages, the clerk's fee chargeable to the plaintiff shall be
327 \$6075, \$10 of which shall be apportioned to the Courts Technology Fund established under § 17.1-132
328 to be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly
329 certified copy of the final decree. The fees prescribed by this subdivision shall be charged upon the
330 filing of a counterclaim or a claim impleading a third-party defendant. However, no fee shall be charged
331 for the filing of a cross-claim or setoff in any pending suit. In divorce cases, when there is a merger of
332 a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee
333 shall include the furnishing of a duly certified copy of both such decrees.

334 27. For the acceptance of credit cards in lieu of money to collect and secure all fees, including filing
335 fees, fines, restitution, forfeiture, penalties and costs, the clerk shall collect a service charge of four
336 percent of the amount paid.

337 28. For the return of any check unpaid by the financial institution on which it was drawn or notice is
338 received from the credit card issuer that payment will not be made for any reason, the clerk shall
339 collect, if allowed by the court, a fee of \$20 35 or 10 percent of the amount to be paid, whichever is
340 greater, in accordance with § 19.2-353.3.

341 29. For all services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1,
342 17.1-275.2, 17.1-275.3, or 17.1-275.4, in an adoption proceeding, a fee of \$2035, in addition to the fee
343 imposed under § 63.2-1246, to be paid by the petitioner or petitioners. For each petition for adoption
344 filed pursuant to § 63.2-1201, except those filed pursuant to subdivisions 5 and 6 of § 63.2-1210, an
345 additional \$50 filing fee as required under § 63.2-1201 shall be deposited in the Putative Father Registry
346 Fund pursuant to § 63.2-1249.

347 30. For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the
348 same amount as the fee for the original license.

349 31. For the filing of any petition as provided in §§ 33.1-124, 33.1-125 and 33.1-129, a fee of \$5 10
350 to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in
351 § 33.1-122, as well as for any order of the court relating thereto, the clerk shall charge the same fee as
352 for recording a deed as provided for in this section, to be paid by the party upon whose request such
353 certificate is recorded or order is entered.

354 32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme
355 Court, including all papers necessary to be copied and other services rendered, except in cases in which
356 costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8,
357 or 17.1-275.9, a fee of \$2035.

358 33. —Repealed.]

359 34. For filings, etc., under the Uniform Federal Lien Registration Act (§ 55-142.1 et seq.), the fees
360 shall be as prescribed in that Act.

361 35. For filing the appointment of a resident agent for a nonresident property owner in accordance
362 with § 55-218.1, a fee of \$4025.

363 36. —Repealed.]

364 37. For recordation of certificate and registration of names of nonresident owners in accordance with

§ 59.1-74, a fee of \$4025.

38. For maintaining the information required under the Overhead High Voltage Line Safety Act (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

39. For lodging, indexing and preserving a will in accordance with § 64.1-56, a fee of \$210.

40. For filing a financing statement in accordance with § 8.9A-505, the fee shall be as prescribed under § 8.9A-525.

41. For filing a termination statement in accordance with § 8.9A-513, the fee shall be as prescribed under § 8.9A-525.

42. For filing assignment of security interest in accordance with § 8.9A-514, the fee shall be as prescribed under § 8.9A-525.

43. For filing a petition as provided in §§ 37.2-1001 and 37.2-1013, the fee shall be \$4025.

44. For issuing any execution, and recording the return thereof, a fee of \$1,505.

45. For the preparation and issuance of a summons for interrogation by an execution creditor, a fee of \$5. If there is no outstanding execution, and one is requested herewith, the clerk shall be allowed an additional fee of \$1,505, in accordance with subdivision A 44.

B. In accordance with § 17.1-281, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for courthouse construction, renovation or maintenance.

C. In accordance with § 17.1-278, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for services provided for the poor, without charge, by a nonprofit legal aid program.

D. In accordance with § 42.1-70, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for public law libraries.

E. The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.

§ 17.1-276. Fee allowed for providing remote access to civil or criminal court records.

~~Any A clerk of the circuit court who provides electronic access, including access through the Internet, to nonconfidential court records or other records pursuant to §§ 17.1-225 and 17.1-226 may charge a fee established by the clerk or by the agency of the county, city or town providing computer support to cover the operational expenses of such electronic access, including, but not limited to, computer support, maintenance, enhancements, upgrades, and replacements, and consulting services. The A flat fee may be assessed for each inquiry, upon actual connect time, or as a flat rate fee per person authorized to have remote access, in an amount not to exceed \$50 per month. If charged, the fee shall be charged each user, paid to the clerk's office, and deposited by the clerk into a special nonreverting local fund to be used to cover the operational expenses of such electronic access, as defined herein. In addition, the clerk may charge users a clerk's fee not to exceed \$25 per month. The circuit court clerk shall enter into an agreement with each person whom the clerk authorizes to have remote access, in accordance with the security standards established by the Virginia Information Technologies Agency.~~

§ 17.1-276.1. Fee allowed for providing remote access to land records.

~~A clerk of the circuit court who provides secure remote access to land records pursuant to § 17.1-276 may charge a fee established by the clerk to cover the operational expenses of such electronic access, including, but not limited to, computer support, maintenance, enhancements, upgrades, replacements, and consulting services. A flat fee may be assessed for each subscriber, as defined in § 17.1-295, in an amount not to exceed \$50 per month. The fee shall be paid to the clerk's office and deposited by the clerk into a special nonreverting local fund to be used to cover operational expenses of such electronic access, as defined herein. The clerk shall enter into a subscriber agreement with each subscriber in accordance with Virginia Secure Remote Access Standards established by the Virginia Information Technologies Agency.~~

§ 17.1-295. Definitions.

As used in this title:

"Electronic recording of land records" means the networks or systems maintained by a clerk of the circuit court for the submittal of instruments for electronic filing of land records in accordance with the Uniform Real Property Electronic Recording Act (§ 55-142.10 et seq.) and the provisions of Article 2.1 (§ 55-66.8 et seq.) of Chapter 4 of Title 55 regarding the satisfaction of mortgages.

"Public access" means a nongovernmental subscriber pursuant to a fully executed subscriber agreement is authorized by the clerk of the circuit court to have secure remote access to land records maintained by the clerk and to submit instruments for electronic filing of land records in accordance with the Uniform Real Property Electronic Recording Act (§ 55-142.10 et seq.) and the provisions of Article 2.1 (§ 55-66.8 et seq.) of Chapter 4 of Title 55 regarding the satisfaction of mortgages.

"Secure remote access" means public access including access by governmental agencies by electronic

426 means on a network or system to land records maintained by the clerk of the circuit court or the clerk's
427 designated application service providers, in compliance with the Secure Remote Access Standards
428 developed by the Virginia Information Technologies Agency.

429 "Subscriber" means any person who has entered into a subscription agreement with the clerk of the
430 circuit court authorizing the subscriber to have secure remote access to land records maintained by the
431 clerk. If the subscriber is an entity with more than one person who will use the network or system to
432 access land records maintained by the clerk, each individual user shall execute a subscriber agreement
433 and obtain a separate "user id" and "password" from the clerk. The subscriber is responsible for the
434 fees due under this title and the proper use of the secure remote access system pursuant to the
435 subscriber agreement, applicable Virginia law, and Secure Remote Access Standards developed by the
436 Virginia Information Technologies Agency.

437 **2. That the fee increases established in § 17.1-275 of the Code of Virginia shall only be effective if**
438 **an appropriation of general funds effectuating the purposes of this act is included in a general**
439 **appropriation act passed by the General Assembly, which becomes law, and is paid to the**
440 **Compensation Board for the sole purpose of payment of a four percent salary increase for the**
441 **deputy clerks of the circuit courts, who did not receive the same four percent salary increase**
442 **received by all other deputy clerks included in the 2007 Appropriation Act.**