

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 58.1-812 of the Code of Virginia, relating to recordation and grantor*
3 *taxes.*

4 [H 2135]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 58.1-812 of the Code of Virginia is amended and reenacted as follows:**

8 § 58.1-812. Payment prerequisite to recordation; exceptions; assessment and collection of tax; penalty
9 for misrepresentation.

10 A. Except as otherwise provided in this chapter, no deed, deed of trust, contract or other instrument
11 shall be admitted to record without the payment of the tax imposed thereon by law and the fee pursuant
12 to § 58.1-817, as applicable. However, after payment of the tax imposed by this chapter, when an
13 instrument is first offered for recordation, such instrument may thereafter be recorded in the office of
14 any other clerk without the payment of any tax except any local recordation tax as provided in Article 1
15 (§ 58.1-3800 et seq.) of Chapter 38 of this title. Any instrument may also be recorded free of tax and
16 fee in the office of the clerk where such instrument was originally recorded when the record containing
17 such instrument has been destroyed.

18 B. The tax on every deed, deed of trust, contract or other instrument shall be determined and
19 collected by the clerk in whose office the instrument is first offered for recordation. The clerk may
20 ascertain the consideration of the deed or of the instrument, the actual value of the property conveyed,
21 and the qualification of the deed or instrument for any exemption claimed by inquiry, affidavit,
22 declaration or other extrinsic evidence acceptable to the clerk. The fee shall be \$1 on every recorded
23 deed pursuant to § 58.1-817 and shall be collected by the clerk in whose office the deed is offered for
24 recordation.

25 C. Any person who knowingly misrepresents *the consideration for the interest in property conveyed*
26 *by a deed or other instrument or any of the other information requested by the clerk of court pursuant*
27 *to this section shall be guilty of a Class 2 1 misdemeanor. If an understatement of the consideration is*
28 *false or fraudulent with intent to evade a tax, a penalty equal to 100 percent of the tax due on the*
29 *understatement shall be added to the amount of the tax due, plus interest on the tax at a rate*
30 *determined in accordance with § 58.1-15 from the time the tax was required by law to be filed until*
31 *paid.*