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SENATE BILL NO. 1277

Offered January 14, 2009

Prefiled January 14, 2009

A BILL to amend and reenact § 17.1-294 of the Code of Virginia, relating to secure remote access to land records.

Patron—Newman

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-294 of the Code of Virginia is amended and reenacted as follows:

§ 17.1-294. Secure remote access to land records.

A. No circuit court clerk shall provide secure remote access to any land record that does not comply with the provisions of this section and the secure remote access standards developed by the Virginia Information Technologies Agency in consultation with the circuit court clerks, the Executive Secretary of the Supreme Court, the Compensation Board, and users of land and other court records.

B. 1. Beginning July 1, 2012, any land record made available to subscribers via secure remote access shall not contain the social security number of any party.

2. However, the original land record maintained by the clerk may contain a social security number if otherwise provided by law, but that original record shall not be made available via secure remote access unless it complies with this section.

3. Except in cases where the original record is required by law to contain a social security number, the attorney or party who prepares or submits the land record for recordation has the responsibility for ensuring that the social security number has been removed from the writing prior to the instrument's being submitted for recordation.

C. Nothing in this section shall be construed to prohibit access to any original document as provided by law.

D. The clerk of the circuit court of any jurisdiction shall be immune from suit arising from any acts or omissions relating to providing secure remote access to land records pursuant to this section unless the clerk was grossly negligent or engaged in willful misconduct.

2. That any clerk of a circuit court may engage a vendor to redact social security numbers from all land records made available via secure remote access pursuant to § 17.1-294 of the Code of Virginia, using a software redaction system, for records beginning January 1, 1935, to the date of redaction, and that the redaction shall be completed on or before July 1, 2012.

INTRODUCED

SB1277