

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 17.1-258.3 of the Code of Virginia, relating to electronic filing in civil*  
3 *proceedings; fee.*

4 [H 2061]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That §17.1-258.3 of the Code of Virginia is amended and reenacted as follows:**8 **§ 17.1-258.3. Electronic filing in civil or criminal proceedings.**

9 Any clerk of circuit court may establish and operate a system for electronic filing in civil or criminal  
10 proceedings that shall be governed by the Rules of the Supreme Court of Virginia. The circuit court  
11 clerk may require each person whom the clerk authorizes to file documents electronically to provide  
12 proof of identity to the clerk and to enter into an agreement specifying the electronic filing procedures  
13 to be followed, including, but not limited to, security procedures, as defined in the Uniform Electronic  
14 Transactions Act (§ 59.1-479 et seq.), for transmitting signed or notarized documents. The clerk may  
15 charge copy fees per page, as provided in subdivision A 8 of § 17.1-275, and obtain reimbursement for  
16 fees paid by subscribers to its designated application service providers for the technology systems used  
17 to operate electronic filing in civil and criminal cases in the clerk's office. The fees and reimbursements  
18 collected shall be deposited by the clerk into the clerk's nonreverting local fund to be used to cover  
19 operational expenses as defined in § 17.1-295. Nothing herein shall be construed to prevent the clerk  
20 from entering into agreements with designated application service providers to provide all or part of the  
21 network or system for electronic filing of civil or criminal records as provided herein. Further, nothing  
22 herein shall be construed to require the electronic filing of any civil or criminal record, and such records  
23 may continue to be filed in paper form.

24 Any clerk of circuit court with an electronic filing system established in accordance with the Rules  
25 of the Supreme Court of Virginia may charge an additional \$2 \$5 fee for every civil case initially filed  
26 by paper, except that a person who is determined to be indigent pursuant to § 19.2-159 shall be exempt  
27 from the payment of such fee. The fee shall be paid to the clerk's office and deposited by the clerk into  
28 the clerk's nonreverting local fund to be exclusively used to cover the operational expenses as defined in  
29 § 17.1-295.

ENROLLED

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