

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 12.1-17, 12.1-21.1, and 12.1-21.2 of the Code of Virginia, relating to the State Corporation Commission; charges for copies.

[H 2111]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 12.1-17, 12.1-21.1, and 12.1-21.2 of the Code of Virginia are amended and reenacted as follows:

§ 12.1-17. Deposits of funds; means of payment; dishonored payments; receipts for payment.

A. All funds received by the Commission in the course of its duties shall be paid promptly to the State Treasurer or deposited promptly in banks designated by the State Treasurer to the credit of the State Treasurer.

B. The Commission may accept payment of any amount due by any means acceptable to the Commission, including by check, credit card, debit card, and electronic funds transfer. The Commission may add to any amount due a sum, not to exceed the amount charged to the Commission, for acceptance of any payment by a means that incurs a charge to the Commission, *or it may absorb a portion or all of the cost of such charge.*

C. If any check or other means of payment is dishonored, declined, refused, reversed, charged back to the Commission, returned to the Commission unpaid, or otherwise rejected for any reason by a financial institution or other third party, the amount of the check or other means of payment shall be charged to the person on whose account it was received and his liability and that of his sureties shall be as if payment had never been made. A penalty of \$35 or the amount of any cost incurred by the Commission, whichever is greater, shall be added to such amount. This penalty shall be in addition to any other penalty provided by law, except the penalty imposed by § 58.1-12 shall not apply. Any penalties received by the Commission under this section shall be set aside and paid into the special fund (i) created under § 13.1-775.1, in the case of penalties received by the clerk's office, or (ii) into which the payment that caused the penalty was to be deposited, in the case of penalties otherwise received by the Commission.

D. The Commission shall issue receipts for all currency received for payments in the course of its duties.

§ 12.1-21.1. Fees to be charged by clerk for certain information and certificates.

A. When a request made under subdivision A 3 of § 12.1-19 or under § 12.1-20 relates to the Uniform Commercial Code, or when a request for information is made under Title 8.9A, the clerk of the Commission shall charge and collect, except as otherwise provided in subsection C of § 12.1-21.2, ~~reasonable~~ *the* fees as are fixed by Commission order or rule.

B. Any response or certificate shall be signed by the clerk or a member of his staff. Any signature may be a facsimile.

C. Any certificate to which the seal of the Commission, or a facsimile thereof, is affixed shall be admitted in evidence in all cases, civil and criminal, as prima facie evidence of the facts contained in it.

D. No action shall be brought against the Commission or any member of its staff claiming damages for alleged errors or omissions in any response or certificate.

E. Notwithstanding the provisions of § 8.9A-525, if the Commission determines that a person was falsely identified as a debtor in a financing statement filed in the office of its clerk, it may waive payment of the fees for that person to file a termination statement pursuant to subdivision (d)(2) of § 8.9A-509 and an information statement pursuant to § 8.9A-518.

§ 12.1-21.2. Miscellaneous charges.

A. For making up, certifying and transmitting a record on appeal the clerk shall charge and collect \$50.

B. Except as otherwise provided by law, the Commission ~~shall~~ *may* charge and collect ~~reasonable~~ *the* fees ~~as are fixed by order or rule~~ for furnishing and certifying a copy of any document or any information from its records and may charge and collect reasonable fees for providing ~~access to or utilization of its records by computer or other means from an electronic data processing system, computer database, or any other structured collection of data.~~ Such fees, when collected, shall be set aside and paid into the special fund created under § 13.1-775.1.

C. In addition to other fees prescribed by law, the Commission may charge and collect fees for (i) requested expedited or special handling of business entity or Uniform Commercial Code filings

57 processed in its Clerk's Office, (ii) requested expedited provision of copies of records in its Clerk's
58 Office, or (iii) requested expedited provision of services, or the issuance of certificates, pursuant to
59 subdivision A 3 of § 12.1-19, or under § 12.1-20 or § 12.1-21.1. Such fees, when collected, shall be set
60 aside and paid into the special fund created under § 13.1-775.1.