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SENATE BILL NO. 219

Offered January 18, 1996

A BILL to amend the Code of Virginia by adding in Chapter 2 of Title 17 an article numbered 3.01, consisting of sections numbered 17-83.1:1 through 17-83.1:5, relating to electronic filings with circuit court clerks.

Patrons—Barry, Colgan, Quayle, Saslaw, Ticer, Whipple and Woods; Delegates: Albo, Almand, Callahan, Dillard, Dudley, Howell, Katzen, Marshall, McClure, O'Brien, Parrish, Plum, Rollison, Scott, Way and Wilkins

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 2 of Title 17 an article numbered 3.01, consisting of sections numbered 17-83.1:1 through 17-83.1:5, as follows:

Article 3.01.

Electronic Filing with Clerk.

§ 17-83.1:1. Definition.

As used in this article, "electronic filing of documents" means the filing of data transmitted to a circuit court clerk by the communication of information originally displayed in written form, in the form of digital electronic signals transformed by computer and stored on microfilm, magnetic tape, optical disks, or CD ROM.

§ 17-83.1:2. Electronic filing of documents authorized.

If a circuit court clerk has established a system for receiving electronically transmitted information from an electronic copying device, federal, state, and local governmental entities, or political subdivisions thereof, and quasi-governmental agencies, corporations, and authorities, including but not limited to Fannie Mae, Freddie Mac, and VHDA, may electronically file land records, instruments; judgments; and UCC financing statements. The place of filing is the receiving station designated by the circuit court clerk to which electronic information is transmitted.

§ 17-83.1:3. Completion of electronic filing; transmission and distribution of data.

A. To complete an electronic filing:

1. The person filing an instrument with the circuit court clerk must transmit the instrument electronically;

2. The receiving station must transmit acknowledgment to the sending party by encoding electronic receipt of the transmission;

3. The sending station must encode validation of the encoded receipt as correct; and

4. The receiving station must respond by encoded transcription into the computer system that validation has occurred and that the electronic transmission has been completed.

B. Upon completion of an electronic filing a receiving station, shall transmit data to the appropriate court as required and distribute data as required by statute or rule. Data must be distributed or transmitted from or through the medium of direct computer transmission, microfilm, magnetic tape, or optical disks, or CD ROM.

§ 17-83.1:4. Signature; when effective as originals.

If the sender of an electronically filed document files an affidavit of authenticity along with the electronic filing and the electronic transmission bears a facsimile or printing of the required signature, any statutory requirement for an original signature shall be deemed to be satisfied. Any reproduction of the electronically filed document must bear a copy of the signature. The electronically reproduced document shall be accepted as the signature document for all court-related purposes unless the hard copy with the original signature affixed is requested by motion of one or more parties to a pending action or is otherwise required by law. If the court grants the motion of a party, the order shall provide that the original be filed with the court.

§ 17-83.1:5. Local rules.

The clerk of a circuit court may adopt local rules governing the transmission and receipt of documents or reports stored or created in digital electronic or facsimile form in accordance with this article.

INTRODUCED

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