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**HOUSE BILL NO. 2062**

Offered January 10, 2007

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*A BILL to amend and reenact §§ 2.2-3705.7, 2.2-3808.2, 8.01-449, 17.1-208, 17.1-275, as it shall become effective, 17.1-279, and 20-121.03 of the Code of Virginia, and that the Code of Virginia is amended by adding a section numbered 2.2-3808.3, relating to the applicability of FOIA to land records; Government Data Collection and Dissemination Practices Act; fees; Technology Trust Fund.*

Patrons—McQuigg, Frederick, Kilgore and Nixon

Referred to Committee on General Laws

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

**1. That §§ 2.2-3705.7, 2.2-3808.2, 8.01-449, 17.1-208, 17.1-275, as it shall become effective, 17.1-279, and 20-121.03 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-3808.3, as follows:**

§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exemptions.

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. State income, business, and estate tax returns, personal property tax returns, scholastic and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor; Lieutenant Governor; the Attorney General; the members of the General Assembly or the Division of Legislative Services; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in Virginia. However, no record, which is otherwise open to inspection under this chapter, shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence.

As used in this subdivision:

"Office of the Governor" means the Governor; his chief of staff, counsel, director of policy, Cabinet Secretaries, and the Director of the Virginia Liaison Office; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for an above-named public official for his personal or deliberative use.

3. Library records that can be used to identify both (i) any library patron who has borrowed material from a library and (ii) the material such patron borrowed.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. Records and writings furnished by a member of the General Assembly to a meeting of a standing committee, special committee or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's

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own information shall not be denied.

9. Records regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of them would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions and provisions of the siting agreement.

10. Records containing information on the site specific location of rare, threatened, endangered or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exemption shall not apply to requests from the owner of the land upon which the resource is located.

11. Records, memoranda, working papers, graphics, video or audio tapes, production models, data and information of a proprietary nature produced by or for or collected by or for the State Lottery Department relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such official records have not been publicly released, published, copyrighted or patented. Whether released, published or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. Records of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of a local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, relating to the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that: (i) such records contain confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or provided to the retirement system under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity; and (ii) disclosure of such confidential analyses would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system or the Rector and Visitors of the University of Virginia. Nothing in this subdivision shall be construed to prevent the disclosure of records relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Names and addresses of subscribers to Virginia Wildlife magazine, published by the Department of Game and Inland Fisheries, provided the individual subscriber has requested in writing that the Department not release such information.

14. Financial, medical, rehabilitative and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

15. Records of the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; data, records or information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and data, records or information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such data, records or information have not been publicly released, published, copyrighted or patented.

16. Records of the Department of Environmental Quality, the State Water Control Board, State Air Pollution Control Board or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such records shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to prohibit the disclosure of records related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

17. As it pertains to any person, records related to the operation of toll facilities that identify an

individual, vehicle, or travel itinerary including, but not limited to, vehicle identification data, vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

18. Records of the State Lottery Department pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations; and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed.

19. Records of the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

20. Records, investigative notes, correspondence, and information pertaining to the planning, scheduling and performance of examinations of holder records pursuant to the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.) prepared by or for the State Treasurer, his agents, employees or persons employed to perform an audit or examination of holder records.

21. Records of the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body, to the extent that such records reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

22. Records of state or local park and recreation departments to the extent such records contain information identifying a person under the age of 18 years, where the parent or legal guardian of such person has requested in writing that such information not be disclosed. However, nothing in this subdivision shall operate to prohibit the disclosure of information defined as directory information under regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For records of such persons who are emancipated, the right of access may be asserted by the subject thereof.

23. Records submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management, to the extent that they reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

24. Records of the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

25. *Land records available via secure remote access pursuant to §§ 2.2-3808.2 and 2.2-3808.3.*

§ 2.2-3808.2. Posting and availability of certain information on the Internet; prohibitions.

A. Beginning January 1, 2004, no court clerk shall post on a ~~court-controlled website~~ *the Internet* any document that contains the following information: (i) an actual signature; (ii) a social security number; (iii) a date of birth identified with a particular person; (iv) the maiden name of a person's parent so as to be identified with a particular person; (v) any financial account number or numbers; or (vi) the name and age of any minor child.

B. Each such clerk shall post notice that includes a list of the documents routinely posted on its website.

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

D. This section shall not apply to the following:

1. Providing secure remote access to any document among the land records ~~by means of a network or system that complies with security 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, interested citizens, and users of land and other court records. Such standards shall include, but not be limited to, a requirement, as a precondition for access, for registration by users in person or by means of a notarized or otherwise sworn application that establishes the prospective user's identity, business or residence address, and citizenship status~~ *via secure remote access pursuant to § 2.2-3808.3;*

2. Postings related to legitimate law-enforcement purposes;

3. Postings of historical, genealogical, interpretive, or educational documents and information about historic persons and events;

4. Postings of instruments and records filed or recorded prior to ~~1905~~ *1907*; and

182 5. Providing secure remote access to any person and his counsel to documents filed in matters to  
183 which such person is a party.

184 E. 1. As used in this section, "land records" means any writing authorized by law to be recorded on  
185 paper or in electronic format which the clerk records affecting title to real property *including but not*  
186 *limited to instruments, orders, or any other writings recorded under Title 17.1, Article 5 of Title 8.01,*  
187 *and Title 8.9A.*

188 2. As used in this section, "Internet" means the international computer network of interoperable  
189 packet-switched data networks.

190 F. Nothing in this section shall prohibit the Supreme Court or any other court from providing online  
191 access to a case management system which may include abstracts of case filings and proceedings in the  
192 courts of the Commonwealth.

193 G. The clerk of the circuit court of any jurisdiction shall be immune from suit arising from any acts  
194 or omissions relating to providing remote access on the Internet pursuant to this section unless the clerk  
195 was grossly negligent or engaged in willful misconduct.

196 This subsection shall not be construed to limit, withdraw or overturn any defense or immunity  
197 already existing in statutory or common law, or to affect any cause of action accruing prior to the  
198 effective date of this subsection.

199 § 2.2-3808.3. *Secure remote access to land records.*

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

204 B. As used in this section, "land record" means any writing authorized by law to be recorded on  
205 paper or in electronic format affecting title to real property *that the clerk records, including but not*  
206 *limited to instruments, orders, or any other writings recorded under Title 17.1, Article 5 of Title 8.01,*  
207 *and Title 8.9A.*

208 C. *Beginning July 1, 2010, any land record made available to subscribers via secure remote access*  
209 *shall not contain the social security number of any party. However, the original record maintained by*  
210 *the clerk may contain a social security number if otherwise provided by law, but that original record*  
211 *shall not be made available via secure remote access unless it complies with this section. The attorney*  
212 *or party who prepares or submits the land record for recordation has the responsibility for ensuring*  
213 *that the social security number has been removed from the writing prior to the instrument's being*  
214 *submitted for recordation.*

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

218 § 8.01-449. How judgments are docketed.

219 A. The judgment docket required by § 8.01-446 may be kept in a well-bound book, or any other  
220 media permitted by § 17.1-240. The date and time of docketing shall be recorded with each judgment  
221 docketed. The clerk of the circuit court of any county using card files on July 1, 1975, may continue to  
222 use the card file system. The docketing may be done by copying the wording of the judgment order  
223 verbatim or by abstracting the information therefrom into ~~fixed columns of~~ a book or into fixed fields of  
224 an electronic data storage system. Where a procedural microphotographic system is used, the docketing  
225 may be done by recording and storing a retrievable image of the judgment order, judgment abstract, or  
226 other source document such as a certificate of assignment or release. Where an electronic imaging  
227 system is used, the document image shall be stored in a data format which permits recall of the image.

228 B. Where a well-bound book is used for the judgment docket there shall be stated in separate  
229 columns (i) the date and amount of the judgment, (ii) the time from which it bears interest, (iii) the  
230 costs, (iv) the full names of all the parties thereto, including the address, date of birth and *the last four*  
231 *digits of the* social security number, if known, of each party against whom judgment is rendered, (v) the  
232 alternative value of any specific property recovered by it, (vi) the date and the time of docketing it, (vii)  
233 the amount and date of any credits thereon, (viii) the court by which it was rendered and the case  
234 number, and (ix) when paid off or discharged in whole or in part, the time of payment or discharge and  
235 by whom made when there is more than one defendant. And in case of a judgment or decree by  
236 confession, the clerk shall also enter in such docket the time of day at which the same was confessed, or  
237 at which the same was received in his office to be entered of record. There shall also be shown on such  
238 book the name of the plaintiff's attorney, if any.

239 C. Error or omission in the entry of the address or addresses or the social security number or  
240 numbers of each party against whom judgment is rendered shall in no way affect the validity, finality or  
241 priority of the judgment docketed.

242 D. *Beginning July 1, 2010, any judgment made available to subscribers via secure remote access*  
243 *pursuant to § 2.2-3808.3 shall contain only the last four digits of the social security number of any*

party. However, the information otherwise required in the judgment docket pursuant to subsection B of this section shall be provided. The attorney or party who prepares or submits the judgment for recordation has the responsibility for ensuring that only the last four digits of the social security number are included in the judgment prior to the instrument's being submitted for recordation. The clerk has the authority to reject any judgment that does not comply with the provisions of this section.

§ 17.1-208. Records, etc., open to inspection; copies; exception.

Except as otherwise provided by law, ~~the any~~ records and papers of ~~every circuit court~~ maintained by the clerk of the circuit court shall be open to inspection by any person and the clerk shall, when ~~required requested~~, furnish copies thereof, ~~except in cases in which it is otherwise specially provided.~~ The certificate of the clerk to such copies shall, if the paper copied be recorded in a bound volume, contain the name and number of the volume and the page or folio at which the recordation of the paper begins and may charge a fee therefor pursuant to § 17.1-275. No person shall be permitted to use the clerk's office for the purpose of making copies of records in such manner, or to such extent, as will interfere with the business of the office or with its reasonable use by the general public.

§ 17.1-275. (Effective July 1, 2007) Fees collected by clerks of circuit courts; generally.

A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the following fees:

1. [Repealed.]

2. For recording and indexing in the proper book any writing and all matters therewith, or for recording and indexing anything not otherwise provided for, \$16 for an instrument or document consisting of 10 or fewer pages or sheets; \$30 for an instrument or document consisting of 11 to 30 pages or sheets; and \$50 for an instrument or document consisting of 31 or more pages or sheets. Whenever any writing to be recorded includes plat or map sheets no larger than eight and one-half inches by 14 inches, such plat or map sheets shall be counted as ordinary pages for the purpose of computing the recording fee due pursuant to this section. A fee of \$15 per page or sheet shall be charged with respect to plat or map sheets larger than eight and one-half inches by 14 inches. Only a single fee as authorized by this subdivision shall be charged for recording a certificate of satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. One dollar and fifty cents of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.

3. For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, \$20 for estates not exceeding \$50,000, \$25 for estates not exceeding \$100,000 and \$30 for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

4. For entering and granting and for issuing any license, other than a marriage license or a hunting and fishing license, and administering an oath when necessary, \$10.

5. For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, \$10.

6. For making out any bond, other than those under § 17.1-267 or subdivision A 4, administering all necessary oaths and writing proper affidavits, \$3.

7. For all services rendered by the clerk in any garnishment or attachment proceeding, the clerk's fee shall be \$15 in cases not exceeding \$500 and \$25 in all other cases.

8. For making out a copy of any paper, *record*, or *electronic* record to go out of the office, which is not otherwise specifically provided for *herein*, a fee of \$0.50 for each page *or, if an electronic record, each image*. From such fees, the clerk shall reimburse the locality the costs of making out the copies and pay the remaining fees directly to the Commonwealth. The funds to recoup the cost of making out the copies shall be deposited with the county or city treasurer or Director of Finance, and the governing body shall budget and appropriate such funds to be used to support the cost of copies pursuant to this subdivision. For purposes of this section, the costs of making out the copies shall include lease and maintenance agreements for the equipment used to make out the copies, but shall not include salaries or related benefits. The costs of copies shall otherwise be determined in accordance with § 2.2-3704. However, there shall be no charge to the recipient of a final order or decree to send an attested copy to such party.

9. For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, the clerk shall charge \$2 and for attaching the certificate of the judge, if the clerk is requested to do so, the clerk shall charge an additional \$0.50.

10. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee of \$150 for each felony conviction and each felony disposition under § 18.2-251 which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and

305 Treatment Fund.

306 11. In any case in which a person is convicted of a violation of any provision of Article 1  
307 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk  
308 shall assess a fee for each misdemeanor conviction and each misdemeanor disposition under § 18.2-251,  
309 which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and  
310 Treatment Fund as provided in § 17.1-275.8.

311 12. Upon the defendant's being required to successfully complete traffic school or a driver  
312 improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as  
313 if he had been convicted.

314 13. In all civil actions that include one or more claims for the award of monetary damages the clerk's  
315 fee chargeable to the plaintiff shall be \$60 in cases seeking recovery not exceeding \$50,000, \$10 of  
316 which shall be apportioned to the Courts Technology Fund established under § 17.1-132; \$110 in cases  
317 seeking recovery not exceeding \$100,000, \$10 of which shall be apportioned to the Courts Technology  
318 Fund established under § 17.1-132; and \$160 in cases seeking recovery exceeding \$100,000, \$10 of  
319 which shall be apportioned to the Courts Technology Fund established under § 17.1-132. A fee of \$25  
320 shall be paid by the plaintiff at the time of instituting a condemnation case, in lieu of any other fees.  
321 There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However,  
322 the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim  
323 impleading a third-party defendant. The fees prescribed above shall be collected upon the filing of  
324 papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed in  
325 the Supreme Court of Virginia.

326 13a. For the filing of any petition seeking court approval of a settlement where no action has yet  
327 been filed, the clerk's fee, chargeable to the petitioner, shall be \$50, to be paid by the petitioner at the  
328 time of filing the petition.

329 14. In addition to the fees chargeable for civil actions, for the costs of proceedings for judgments by  
330 confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered or  
331 certified mail; (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the  
332 amount of the confessed judgment; (iii) for the sheriff for serving each copy of the order entering  
333 judgment, \$12; and (iv) for docketing the judgment and issuing executions thereon, the same fees as  
334 prescribed in subdivision A 17.

335 15. For qualifying notaries public, including the making out of the bond and any copies thereof,  
336 administering the necessary oaths, and entering the order, \$10.

337 16. For each habeas corpus proceeding, the clerk shall receive \$10 for all services required  
338 thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

339 17. For docketing and indexing a judgment from any other court of this Commonwealth, for  
340 docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of  
341 § 8.01-451, but not when incident to a divorce, for noting and filing the assignment of a judgment  
342 pursuant to § 8.01-452, a fee of \$5; and for issuing an abstract of any recorded judgment, when proper  
343 to do so, a fee of \$5; and for filing, docketing, indexing and mailing notice of a foreign judgment, a fee  
344 of \$20.

345 18. For all services rendered by the clerk in any court proceeding for which no specific fee is  
346 provided by law, the clerk shall charge \$10, to be paid by the party filing said papers at the time of  
347 filing; however, this subdivision shall not be applicable in a divorce cause prior to and including the  
348 entry of a decree of divorce from the bond of matrimony.

349 19., 20. [Repealed.]

350 21. For making the endorsements on a forthcoming bond and recording the matters relating to such  
351 bond pursuant to the provisions of § 8.01-529, \$1.

352 22. For all services rendered by the clerk in any proceeding pursuant to § 57-8 or 57-15, \$10.

353 23. For preparation and issuance of a subpoena duces tecum, \$5.

354 24. For all services rendered by the clerk in matters under § 8.01-217 relating to change of name,  
355 \$20; however, this subdivision shall not be applicable in cases where the change of name is incident to  
356 a divorce.

357 25. For providing court records or documents on microfilm, per frame, ~~\$0.10~~ \$0.50.

358 26. In all divorce and separate maintenance proceedings, and all civil actions that do not include one  
359 or more claims for the award of monetary damages, the clerk's fee chargeable to the plaintiff shall be  
360 \$60, \$10 of which shall be apportioned to the Courts Technology Fund established under § 17.1-132 to  
361 be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly  
362 certified copy of the final decree. The fees prescribed by this subdivision shall be charged upon the  
363 filing of a counterclaim or a claim impleading a third-party defendant. However, no fee shall be charged  
364 for the filing of a cross-claim or setoff in any pending suit. In divorce cases, when there is a merger of  
365 a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee  
366 shall include the furnishing of a duly certified copy of both such decrees.

27. For the acceptance of credit cards in lieu of money to collect and secure all fees, including filing fees, fines, restitution, forfeiture, penalties and costs, the clerk shall collect a service charge of four percent of the amount paid.

28. For the return of any check unpaid by the financial institution on which it was drawn or notice is received from the credit card issuer that payment will not be made for any reason, the clerk shall collect, if allowed by the court, a fee of \$20 or 10 percent of the amount to be paid, whichever is greater, in accordance with § 19.2-353.3.

29. For all services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, or 17.1-275.4, in an adoption proceeding, a fee of \$20, in addition to the fee imposed under § 63.2-1246, to be paid by the petitioner or petitioners. For each petition for adoption filed pursuant to § 63.2-1201, except those filed pursuant to subdivisions 5 and 6 of § 63.2-1210, an additional \$50 filing fee as required under § 63.2-1201 shall be deposited in the Putative Father Registry Fund pursuant to § 63.2-1249.

30. For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the same amount as the fee for the original license.

31. For the filing of any petition as provided in §§ 33.1-124, 33.1-125 and 33.1-129, a fee of \$5 to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in § 33.1-122, as well as for any order of the court relating thereto, the clerk shall charge the same fee as for recording a deed as provided for in this section, to be paid by the party upon whose request such certificate is recorded or order is entered.

32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme Court, including all papers necessary to be copied and other services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9, a fee of \$20.

33. For issuance of hunting and trapping permits in accordance with § 10.1-1154, \$0.25.

34. For filings, etc., under the Uniform Federal Lien Registration Act (§ 55-142.1 et seq.), the fees shall be as prescribed in that Act.

35. For filing the appointment of a resident agent for a nonresident property owner in accordance with § 55-218.1, a fee of \$10.

36. [Repealed.]

37. For recordation of certificate and registration of names of nonresident owners in accordance with § 59.1-74, a fee of \$10.

38. For maintaining the information required under the Overhead High Voltage Line Safety Act (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

39. For lodging, indexing and preserving a will in accordance with § 64.1-56, a fee of \$2.

40. For filing a financing statement in accordance with § 8.9A-505, the fee shall be as prescribed under § 8.9A-525.

41. For filing a termination statement in accordance with § 8.9A-513, the fee shall be as prescribed under § 8.9A-525.

42. For filing assignment of security interest in accordance with § 8.9A-514, the fee shall be as prescribed under § 8.9A-525.

43. For filing a petition as provided in §§ 37.2-1001 and 37.2-1013, the fee shall be \$10.

44. For issuing any execution, and recording the return thereof, a fee of \$1.50.

45. For the preparation and issuance of a summons for interrogation by an execution creditor, a fee of \$5. If there is no outstanding execution, and one is requested herewith, the clerk shall be allowed an additional fee of \$1.50, in accordance with subdivision A 44.

B. In accordance with § 17.1-281, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for courthouse construction, renovation or maintenance.

C. In accordance with § 17.1-278, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for services provided for the poor, without charge, by a nonprofit legal aid program.

D. In accordance with § 42.1-70, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for public law libraries.

E. The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.

§ 17.1-279. Additional fee to be assessed by circuit court clerks for information technology.

A. In addition to the fees otherwise authorized by this chapter, the clerk of each circuit court shall assess a \$5 fee, known as the "Technology Trust Fund Fee," in each civil action, upon each instrument to be recorded in the deed books, and upon each judgment to be docketed in the judgment lien docket book. Such fee shall be deposited by the State Treasurer into a trust fund. The State Treasurer shall

428 maintain a record of such deposits.

429 B. Four dollars of every \$5 fee shall be allocated by the Compensation Board from the trust fund for  
430 the purposes of: (i) developing and updating individual land records automation plans for individual  
431 circuit court clerks' offices; (ii) implementing automation plans to modernize land records in individual  
432 circuit court clerks' offices and provide secure remote access to land records throughout the  
433 Commonwealth pursuant to § 2.2-3808.3; (iii) obtaining and updating office automation and information  
434 technology equipment including software and conversion services; (iv) preserving, maintaining and  
435 enhancing court records, including, but not limited to, the costs of repairs, maintenance, *land records*  
436 *consulting services*, service contracts, *redaction of social security numbers from land records*, and  
437 system *replacements or upgrades*; and (v) improving public access to court records. The Compensation  
438 Board in consultation with circuit court clerks and other users of court records shall develop and update  
439 policies governing the allocation of funds for these purposes. However, such funds shall not be used for  
440 personnel costs within the circuit court clerks' offices. The Compensation Board policies governing the  
441 allocation of funds shall require that a clerk submit to the Compensation Board a written certification  
442 that the clerk's proposed technology improvements of his land records will provide secure remote access  
443 to those land records on or before July 1, 20072008.

444 The annual budget submitted by each circuit court clerk pursuant to § 15.2-1636.7 may include a  
445 request for technology improvements in the upcoming fiscal year to be allocated by the Compensation  
446 Board from the trust fund. Such request shall not exceed the deposits into the trust fund credited to that  
447 locality. The Compensation Board shall allocate the funds requested by the clerks in an amount not to  
448 exceed the deposits into the trust fund credited to their respective localities.

449 C. The remaining \$1 of each such fee may be allocated by the Compensation Board from the trust  
450 fund (i) for the purposes of funding studies to develop and update individual land-records automation  
451 plans for individual circuit court clerks' offices, at the request of and in consultation with the individual  
452 circuit court clerk's offices, and (ii) for the purposes enumerated in subsection B to implement the plan  
453 to modernize land records in individual circuit court clerks' offices and provide secure remote access to  
454 land records throughout the Commonwealth. The allocations pursuant to this subsection may give  
455 priority to those individual clerks' offices whose deposits into the trust fund would not be sufficient to  
456 implement its modernization plan. The Compensation Board policies governing the allocation of funds  
457 shall require that a clerk submit to the Compensation Board a written certification that the clerk's  
458 proposed technology improvements of his land records will provide secure remote access to those land  
459 records on or before July 1, 20072008.

460 D. 1. Secure remote access to land records shall be by paid subscription service through individual  
461 circuit court clerk's offices pursuant to § 17.1-276, or through designated application service providers.  
462 Compliance with ~~security~~ *secure remote access* standards developed by the Virginia Information  
463 Technologies Agency pursuant to § 2.2-3808.2 shall be certified by the individual circuit court clerks'  
464 offices to the ~~Virginia Information Technologies Agency~~ and the Compensation Board. The individual  
465 circuit court clerk's office or its designated application service provider shall certify compliance with  
466 such ~~security~~ *secure remote access* standards. Nothing in this section shall prohibit the Compensation  
467 Board from allocating trust fund money to individual circuit court clerks' offices for the purpose of  
468 complying with such ~~security~~ *secure remote access* standards *or redaction of social security numbers*  
469 *from land records*.

470 2. *If a circuit court clerk proceeds to accelerate the redaction of social security numbers from land*  
471 *records using local funds, the clerk may request reimbursement for such expenditures from the*  
472 *Technology Trust Fund in accordance with subsection B (iv) to provide reimbursement to the locality for*  
473 *advancing such funds in the fiscal year in which such local expenditures are incurred. For local*  
474 *expenditures to accelerate the redaction of social security numbers from land records incurred in prior*  
475 *fiscal years for which reimbursement has not been previously made, the Compensation Board may*  
476 *approve payment to the locality in accordance with subsection B (iv) upon certification by the locality*  
477 *that such payment has been made.*

478 3. *Every circuit court clerk shall provide secure remote access to land records pursuant to*  
479 *§ 2.2-3808.3 on or before July 1, 2008.*

480 E. Such fee shall not be assessed to any instrument to be recorded in the deed books nor any  
481 judgment to be docketed in the judgment lien docket books tendered by any federal, state or local  
482 government.

483 F. If a circuit court clerk provides secure remote access to land records on or before July 1,  
484 20072008, then that clerk may apply to the Compensation Board for an allocation from the Technology  
485 Trust Fund for automation and technology improvements in the ~~civil divisions, or the criminal division,~~  
486 ~~of his office that are not related to land records.~~ Such request shall not exceed the deposits into the  
487 trust fund credited to that locality. ~~The Compensation Board in approval of such application shall~~  
488 ~~consider what local funds have been spent by the jurisdiction to accelerate the implementation of the~~  
489 ~~technology plan approved by the Virginia Information Technologies Agency in each circuit court clerk's~~



office.

G. Information regarding the technology programs adopted by the circuit court clerks shall be shared with the Virginia Information Technologies Agency, The Library of Virginia, and the Office of the Executive Secretary of the Supreme Court.

H. Nothing in this section shall be construed to diminish the duty of local governing bodies to furnish supplies and equipment to the clerks of the circuit courts pursuant to § 15.2-1656. Revenue raised as a result of this section shall in no way supplant current funding to circuit court clerks' offices by local governing bodies.

I. Effective July 1, 2006, except for transfers pursuant to this section, there shall be no transfers out of the fund, including transfers to the general fund.

§ 20-121.03. Identifying information confidential; separate addendum.

Any petition, pleading, motion, order, or decree filed under this chapter, including any agreements of the parties or transcripts, shall not contain the social security number of any party or of any minor child of any party, or any financial information of any party that provides identifying account numbers for specific assets, liabilities, accounts, or credit cards. Such information if required by law to be provided to a governmental agency or required to be recorded for the benefit or convenience of the parties, shall be contained in a separate addendum filed by the attorney or party. Such separate addendum shall be used to distribute the information only as required by law. Such addendum shall otherwise be made available only to the parties, their attorneys, and to such other persons as the court in its discretion may allow. The attorney or party who prepares or submits a petition, pleading, motion, agreement, order, or decree shall ensure that any information protected pursuant to this section is removed prior to filing with the clerk and that any separate addendum is incorporated by reference into the petition, pleading, motion, agreement, order or decree. *The clerk has the authority to reject any petition, pleading, motion, agreement, order, or decree for recordation as a land record that does not comply with the provisions of this section.*

**2. That any clerk of a circuit court shall have the authority to redact social security numbers from any land record made available via secure remote access pursuant to § 2.2-3808.3, and that this is declarative of existing law.**

**3. 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 § 2.2-3808.3, 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 June 30, 2010.**