1   **VIRGINIA ACTS OF ASSEMBLY — CHAPTER**

2   *An Act to amend and reenact § 17.1-258.3:1 of the Code of Virginia, relating to circuit court clerks;*
3   *maintenance of land records.*

4   [S 87]
5   Approved

6   **Be it enacted by the General Assembly of Virginia:**
7   **1. That § 17.1-258.3:1 of the Code of Virginia is amended and reenacted as follows:**
8   **§ 17.1-258.3:1. Electronic filing of land records; paper form.**
9   *A.* A clerk of a circuit court may provide a network or system for electronic filing of land records in
10 accordance with the Uniform Real Property Electronic Recording Act (§ 55-142.10 et seq.) and the
11 provisions of Article 2.1 (§ 55-66.8 et seq.) of Chapter 4 of Title 55 regarding the satisfaction of
12 mortgages. The clerk may charge a fee to be assessed for each instrument recorded electronically in an
13 amount not to exceed $5 per document. The fee shall be paid to the clerk's office and deposited by the
14 clerk into the clerk's nonreverting local fund to be used to cover operational expenses as defined in
15 § 17.1-295. The clerk may require each filer to provide proof of identity to the clerk. The clerk shall
16 enter into an electronic filing agreement with each filer in accordance with Virginia Real Property
17 Electronic Recording Standards established by the Virginia Information Technologies Agency. Nothing
18 herein shall be construed to prevent the clerk from entering into agreements with designated application
19 service providers to provide all or part of the network or system for electronic filing of land records as
20 provided herein. Further, nothing herein shall be construed to require the electronic filing of any land
21 record, and such records may continue to be filed in paper form.
22   *B. The clerk shall maintain a disaster plan, as defined in § 42.1-77, for recovery of any land record*
23 *in possession of the clerk that is maintained as an electronic record.*
24 **2. That the provisions of this act shall become effective on July 1, 2017.**