

VIRGINIA ACTS OF ASSEMBLY -- 1998 SESSION

CHAPTER 651

An Act to amend and reenact the second enactment of Chapter 674 of the Acts of Assembly of 1996 and to amend and reenact §§ 17-83.1:1, 17-83.1:2, 17-83.1:3 and 17-83.1:4 of the Code of Virginia, relating to electronic filing of documents; sunset.

[H 794]

Approved April 16, 1998

Be it enacted by the General Assembly of Virginia:

1. That §§ 17-83.1:1, 17-83.1:2, 17-83.1:3 and 17-83.1:4 of the Code of Virginia are amended and reenacted as follows:

§ 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. *Filing of data in the form of digital electronic signals may be transmitted via an electronic network, such as the global information system known as the Internet.*

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

~~If a circuit court clerk of a county having an urban county executive form of government has established a system for receiving electronically transmitted information from an electronic copying device, A clerk of a circuit court may establish a system for electronic filing of documents as herein provided. Any clerk requesting funding from the Technology Trust Fund under § 14.1-125.2 to establish an electronic filing system must submit a plan for implementation to the Council of Information Management, or its successor agency or office, for technical review, unless the clerk uses a system developed or authorized by the Supreme Court of Virginia. Once established, 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 U.C.C. financing statements, and any other papers in civil or criminal actions approved by the Supreme Court of Virginia. The Supreme Court shall adopt rules governing electronic filing in such actions.~~ 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, *or via an electronic network, microfilm, magnetic tape or disk, 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, *electronic signature pursuant to § 59.1-469 or unique electronic identification*, 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 original 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.

2. That the second enactment of Chapter 674 of the Acts of Assembly of 1996 is amended and reenacted as follows:

2. That the provisions of this act shall expire on July 1, ~~1998~~ 2004.