

1 HOUSE BILL NO. 2058

2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the Senate Committee on General Laws and Technology

4 on February 11, 2019)

5 (Patron Prior to Substitute--Delegate Carr)

6 A BILL to amend and reenact § 17.1-276 of the Code of Virginia, relating to remote access to land
7 records; fee; exemption for certain state agencies.

8 **Be it enacted by the General Assembly of Virginia:**9 **1. That § 17.1-276 of the Code of Virginia is amended and reenacted as follows:**10 **§ 17.1-276. Fee allowed for providing secure remote access to land records.**

11 A. A clerk of the circuit court who provides secure remote access to land records pursuant to §
12 17.1-294 may charge a fee as provided in this section. The fee shall be paid to the clerk's office and
13 deposited by the clerk into the clerk's nonreverting local fund to be used to cover operational expenses
14 as defined in § 17.1-295. The clerk may charge a flat clerk's fee to be assessed for each subscriber, as
15 defined in § 17.1-295, in an amount not to exceed \$50 per month and a separate fee per image
16 downloaded in an amount not to exceed the fee provided in subdivision A 8 of § 17.1-275. The clerk's
17 fees shall be used to cover operational expenses as defined in § 17.1-295.

18 The Office of the Attorney General, the Division of Debt Collection, the Department of
19 Transportation, the Virginia Outdoors Foundation, the Department of Historic Resources, the
20 Department of General Services, the Department of Conservation and Recreation, the Department of
21 Forestry, the Virginia Alcoholic Beverage Control Authority, and the Department of Rail and Public
22 Transportation shall be exempt from paying any fee for remote access to land records. If any clerk
23 contracts with an outside vendor to provide remote access to land records to subscribers, such contract
24 shall contain a provision exempting the Office of the Attorney General, the Division of Debt Collection,
25 the Department of Transportation, the Virginia Outdoors Foundation, the Department of Historic
26 Resources, the Department of General Services, the Department of Conservation and Recreation, the

27 Department of Forestry, the Virginia Alcoholic Beverage Control Authority, and the Department of Rail
28 and Public Transportation from paying any access or subscription fee.

29 B. The circuit court clerk shall enter into an agreement with each person whom the clerk
30 authorizes to have remote access, in accordance with the security standards established by the Virginia
31 Information Technologies Agency. Any such agreement between a state agency or employee thereof
32 acting in the employee's official capacity and the clerk or an outside vendor contracted by the clerk to
33 provide remote access to land records to subscribers, or such an agreement between a state agency or
34 employee thereof acting in the employee's official capacity and both the clerk and the outside vendor,
35 shall not contain any provision requiring the state agency or employee thereof acting in the employee's
36 official capacity to indemnify the clerk or the vendor. Any such agreement between a state agency and
37 the clerk or an outside vendor shall provide that the state agency is required to monitor its employees'
38 activity under such agreement to ensure compliance with its terms.

39 C. The clerk may establish a program under which the clerk assesses a reasonable convenience
40 fee that shall not exceed \$2 per transaction for remote access to land records and a separate fee per
41 image downloaded in an amount not to exceed the fee provided in subdivision A 8 of § 17.1-275.

42 D. Nothing herein shall be construed to require the use by the general public of the secure remote
43 access to land records made available by the clerk, and such records may continue to be accessed in
44 person in the clerk's office.

45 #