
By: **Delegate Getty**
Introduced and read first time: February 11, 2000
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public Records - Reasonable Fee Guarantee**

3 FOR the purpose of altering certain provisions of law relating to the fee that may be
4 charged by the official custodian in a unit of State government or a political
5 subdivision for reproducing a public record; making certain exceptions;
6 superseding, under certain circumstances, provisions of law that set a specific
7 fee for reproducing a public record; and generally relating to fees charged for the
8 reproduction of public records.

9 BY repealing and reenacting, with amendments,
10 Article - State Government
11 Section 10-621
12 Annotated Code of Maryland
13 (1999 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - State Government**

17 10-621.

18 (a) (1) Subject to the limitations in this section, the official custodian may
19 charge an applicant a reasonable fee for the search for, preparation of, and
20 reproduction of a public record.

21 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (E) OF THIS
22 SECTION, THE FEE FOR REPRODUCTION OF A PUBLIC RECORD MAY NOT BE MORE
23 THAN THE ACTUAL COST OF REPRODUCTION.

24 (b) The official custodian may not charge a fee for the first 2 hours that are
25 needed to search for a public record and prepare it for inspection.

26 (c) (1) [If] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF another
27 law sets a fee for a copy, printout, or photograph of a public record, that law applies.

1 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AS TO
2 REPRODUCTION OF A PUBLIC RECORD MADE DURING THE 2-HOUR PERIOD
3 REFERRED TO IN SUBSECTION (B) OF THIS SECTION, THE OFFICIAL CUSTODIAN MAY
4 CHARGE A FEE OF NOT MORE THAN THE ACTUAL COST OF REPRODUCTION.

5 [(2)] (3) The official custodian otherwise may charge any reasonable fee
6 for making or supervising the making of a copy, printout, or photograph of a public
7 record.

8 [(3)] (4) The official custodian may charge for the cost of providing
9 facilities for the reproduction of the public record if the custodian did not have the
10 facilities.

11 (d) The official custodian may waive a fee under this section if:

12 (1) the applicant asks for a waiver; and

13 (2) after consideration of the ability of the applicant to pay the fee and
14 other relevant factors, the official custodian determines that the waiver would be in
15 the public interest.

16 (E) THIS SECTION DOES NOT APPLY TO ANY FEES CHARGED FOR:

17 (1) SERVICES AND PRODUCTS THAT ARE CREDITED TO A CONTINUING
18 NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND
19 PROCUREMENT ARTICLE;

20 (2) REPRODUCTION OF DOCUMENTS, DATA, OR ANY OTHER
21 INFORMATION PROTECTED BY COPYRIGHT; AND

22 (3) DATA, SYSTEM PRODUCTS, AND SYSTEM SERVICES ADOPTED UNDER
23 §§ 10-901 THROUGH 10-905 OF THIS TITLE.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2000.