

SENATE BILL 108

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P3

2002 Regular Session
(2r0051)

ENROLLED BILL
-- *Judicial Proceedings/Judiciary* --

Introduced by **Chairman, Judicial Proceedings Committee (Departmental - Archives, Maryland State)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER 450

1 AN ACT concerning

2 **State Highway Plats - Filing and Recordation**

3 FOR the purpose of repealing the requirement that the clerks of the court receive,
4 index, and record plats showing property or rights-of-way acquired or conveyed
5 by the State Roads Commission and the State Highway Administration;
6 requiring that certain State highway plats be filed with the State Archives;
7 requiring the Archives to receive, file, and electronically post certain plats;
8 providing for the recordation of certain plats; authorizing the Archives to charge
9 ~~a certain fee~~ certain fees; and generally relating to the filing and recordation of
10 State highway plats.

11 BY repealing and reenacting, with amendments,
12 Article - Real Property
13 Section 3-109
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 2001 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article - State Government
3 Section 9-1011
4 Annotated Code of Maryland
5 (1999 Replacement Volume and 2001 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article - Transportation
8 Section 8-321
9 Annotated Code of Maryland
10 (2001 Replacement Volume)

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

13 **Article - Real Property**

14 3-109.

15 [(a) Every clerk shall receive, index, and file durable-backed or microfilm
16 aperture card copies of plats] PLATS showing property or rights-of-way [to be]
17 acquired or conveyed by the State Roads Commission and the State Highway
18 Administration SHALL BE FILED WITH THE STATE ARCHIVES AND ELECTRONICALLY
19 RECORDED, AS PROVIDED IN § 9-1011 OF THE STATE GOVERNMENT ARTICLE. [When
20 filed and indexed, the plats shall be a part of the land records of the county in which
21 filed. Each durable-backed plat may not be greater in size than 22 inches by 36
22 inches.

23 (b) A filing fee is not required.

24 (c) A reasonable fee may be charged by the clerk for reproducing a copy of the
25 plat.]

26 **Article - State Government**

27 9-1011.

28 (a) The Archives is the central depository for and custodian of each deed, title
29 insurance policy, and other record that relates to real property acquired by the State.

30 (b) The Archives may allow a unit of the State government to have custody of
31 an original record that relates to real property acquired by the State, if the unit:

32 (1) needs the record for the daily operation of the unit;

33 (2) demonstrates to the Archives that the unit will preserve the record
34 adequately; and

1 (3) deposits with the Archives a security microform copy of the record.

2 (C) (1) THE ARCHIVES SHALL RECEIVE, INDEX, AND FILE
3 DURABLE-BACKED, MICROFILM APERTURE CARD COPIES OR ELECTRONIC IMAGES
4 OF PLATS SHOWING PROPERTY OR RIGHTS-OF-WAY ACQUIRED OR CONVEYED BY
5 THE STATE ROADS COMMISSION AND THE STATE HIGHWAY ADMINISTRATION.

6 (2) (I) THE ARCHIVES ELECTRONICALLY SHALL POST AN IMAGE OF
7 EACH PLAT ON THE ARCHIVES WEB SITE (HTTP://WWW.PLATS.NET) FOR THE COUNTY
8 WHERE THE PROPERTY OR RIGHT-OF-WAY IS LOCATED.

9 (II) THE POSTED IMAGE SHALL CONFORM TO A GENERALLY
10 ACCEPTED ARCHIVAL STANDARD IN QUALITY AND PERMANENCE.

11 (III) THE IMAGE SHALL INCLUDE OR BE LINKED TO A
12 CERTIFICATION BY THE STATE ARCHIVIST THAT THE IMAGE IS AN AUTHENTIC
13 REPRESENTATION OF THE PLAT RECEIVED BY THE ARCHIVES.

14 (IV) SUCH CERTIFICATION BY THE STATE ARCHIVIST SHALL
15 CONSTITUTE A RECORDATION OF THE PLAT.

16 (V) THE ARCHIVES MAY CHARGE A REASONABLE FEE TO THE
17 STATE ROADS COMMISSION, THE STATE HIGHWAY ADMINISTRATION, ~~THE COURTS,~~
18 ~~AND THE PUBLIC~~ AND THE COURTS TO RECOVER THE COST OF ELECTRONICALLY
19 POSTING AND MAINTAINING THE IMAGES OF PLATS.

20 (VI) THE ARCHIVES MAY CHARGE A REASONABLE FEE, NOT TO
21 EXCEED \$3. TO THE PUBLIC FOR THE COST OF REPRODUCING A COPY OF A PLAT
22 UNDER THIS SUBSECTION.

23 **Article - Transportation**

24 8-321.

25 (a) The plats and estimates prepared by the Administration require approval
26 by a resolution of the Commission.

27 (b) If the plats and estimates are approved by the Commission:

28 (1) The Chairman of the Commission shall sign the cover sheet of each
29 set of plats; and

30 (2) A set of plats and its signed cover sheet shall be filed for record with:

31 (i) The secretary of the Commission; and

32 (ii) The [clerk of the court for the county in which the property to
33 be acquired is located] STATE ARCHIVES.

1 (c) (1) The secretary of the Commission [and the clerk of the court each]
2 shall record the plats filed with him.

3 (2) PLATS FILED WITH THE STATE ARCHIVES SHALL BE
4 ELECTRONICALLY RECORDED AS PROVIDED IN § 9-1011 OF THE STATE GOVERNMENT
5 ARTICLE.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
7 effect October 1, 2002.