
By: Senators Madden, Teitelbaum, Craig, Sfikas, Kasemeyer, and Collins

Introduced and read first time: February 1, 1996

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Public Information - Reasonable Fee Guarantee**

3 FOR the purpose of altering provisions of law relating to the fee that may be imposed by
4 a unit of State or local government for reproducing a public record; superseding,
5 under certain circumstances, provisions of law that set a specific fee; repealing the
6 statutory fee for obtaining copies of documents on file with the Office of the
7 Insurance Commissioner; providing for the future codification of certain provisions
8 of this Act; and generally relating to access to public records.

9 BY repealing

10 Article 48A - Insurance Code
11 Section 41(16)
12 Annotated Code of Maryland
13 (1994 Replacement Volume and 1995 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article - State Government
16 Section 10-621
17 Annotated Code of Maryland
18 (1995 Replacement Volume)

19 BY repealing

20 Article - Insurance
21 Section 2-112(a)(16)
22 Annotated Code of Maryland
23 (1995 Volume)
24 (As enacted by Chapter 36 of the Acts of the General Assembly of 1995)

25 BY renumbering

26 Article 48A - Insurance Code
27 Section 41(17) through (21), respectively
28 to be Section 41(16) through (20), respectively
29 Annotated Code of Maryland
30 (1994 Replacement Volume and 1995 Supplement)

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1 BY renumbering
 2 Article - Insurance
 3 Section 2-112(a)(17), (18) and (19), respectively
 4 to be Section (16), (17), and (18), respectively
 5 Annotated Code of Maryland
 6 (1995 Volume)
 7 (As enacted by Chapter 36 of the Acts of the General Assembly of 1995)

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

10 **Article 48A - Insurance Code**

11 41.

12 The Commissioner shall collect in advance, and the persons so served shall pay the
 13 following fees to the Commissioner:

14 [(16) Copies of documents on file in the Commissioner's office, per
 15 page.....\$1.00]

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 reproduction
 20 of a public record.

21 (2) THE FEE FOR REPRODUCTION OF A PUBLIC RECORD, SHALL BE NOT
 22 MORE THAN THE ACTUAL COST OF REPRODUCTION.

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

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

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

31 [(2)] (3) The official custodian otherwise may charge any reasonable fee for
 32 making or supervising the making of a copy, printout, or photograph of a public record.

33 [(3)] (4) The official custodian may charge for the cost of providing
 34 facilities for the reproduction of the public record if the custodian did not have the
 35 facilities.

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

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

3

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
5 read as follows:

6 **Article - Insurance**

7 2-112.

8 (a) Fees for the following certificates, licenses, and services shall be collected in
9 advance by the Commissioner, and shall be paid by the appropriate persons to the
10 Commissioner:

11 [(16) fees for copies of documents on file in the Commissioner's office, per
12 page\$1]

13 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 41(17) through
14 (21), respectively, of Article 48A - Insurance Code of the Annotated Code of Maryland
15 be renumbered to be Section(s) 41(16) through (20), respectively.

16 SECTION 4. AND BE IT FURTHER ENACTED, That Section(s) 2-112(a)(17),
17 (18), and (19), respectively, of Article - Insurance Code of the Annotated Code of
18 Maryland be renumbered to be Section(s) 2-112(a)(16), (17), and (18), respectively.

19 SECTION 5. AND BE IT FURTHER ENACTED, That Sections 1 and 3 of this
20 Act shall take effect October 1, 1996.

21 SECTION 6. AND BE IT FURTHER ENACTED, That Sections 2 and 4 this Act
22 shall take effect October 1, 1997.