Unofficial Copy P3 1997 Regular Session 7lr1997

**By: Delegate Poole** Introduced and read first time: January 29, 1997 Assigned to: Commerce and Government Matters

## A BILL ENTITLED

## 1 AN ACT concerning

## 2 Public Information - Fees for Copies

3 FOR the purpose of altering the fees that may be imposed by a unit of State or local

- 4 government for reproducing a public record under certain circumstances;
- 5 superseding, under certain circumstances, provisions of law that set a specific fee
- 6 for a copy of a public record; and generally relating to fees for copies of public
- 7 records.

8 BY repealing and reenacting, with amendments,

- 9 Article Business Regulation
- 10 Section 8-209
- 11 Annotated Code of Maryland
- 12 (1992 Volume and 1996 Supplement)

13 BY repealing and reenacting, with amendments,

- 14 Article Corporations and Associations
- 15 Section 1-203(6)
- 16 Annotated Code of Maryland
- 17 (1993 Replacement Volume and 1996 Supplement)
- 18 BY repealing and reenacting, without amendments,
- 19 Article Estates and Trusts
- 20 Section 2-206(a)
- 21 Annotated Code of Maryland
- 22 (1991 Replacement Volume and 1996 Supplement)
- 23 BY repealing and reenacting, with amendments,
- 24 Article Estates and Trusts
- 25 Section 2-206(k)
- 26 Annotated Code of Maryland
- 27 (1991 Replacement Volume and 1996 Supplement)
- 28 BY repealing and reenacting, with amendments,
- 29 Article Financial Institutions

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1	Section 2-108
2	Annotated Code of Maryland
3	(1992 Replacement Volume and 1996 Supplement)
4	BY repealing and reenacting, with amendments,
5	Article - State Government
6	Section 7-106 and 10-621
7	Annotated Code of Maryland
8	(1995 Replacement Volume and 1996 Supplement)
9	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
10	MARYLAND, That the Laws of Maryland read as follows:
11	Article - Business Regulation
12	8-209.
13	(a) The Commission shall keep available for public inspection during office hours
14	a record of:
15	(1) all licenses issued under this title;
16	(2) all expirations, revocations, and suspensions of those licenses; and
17 18	(3) all contractors represented by each salesperson who holds a license under this title.
19 20	(b) The Commission shall collect a fee of [\$1] 25 CENTS per page for each copy of a document in the Commission office.
21	Article - Corporations and Associations
22	1-203.
23 24	In addition to any organization and capitalization fee required under § 1-204 of this article, the Department shall collect the following fees:
	(6) For a duplicate of a certificate mentioned in subsection (5) of this section which is issued at the same time as the original, the fee is \$1, and for a copy of any other paper recorded or filed with the Department, the fee is [\$1] 25 CENTS per page.
28	Article - Estates and Trusts
29	2-206.
2)	2 200.
30 31	(a) The registers of wills are entitled to charge and collect for the performance of their duties the fees in this section.
32	(k) For photostatic or other artificially reproduced copies of a paper or record,

52	(k) i of photostade of other artificially reproduced copies of a paper of record,
33	per page or part of a page[\$ .50] \$ .25

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1	Article - Financial Institutions
2	2-108.
3 4	For providing a certified copy of a document, the Commissioner shall charge a fee of [\$1] 25 CENTS for each page and \$1 for each certificate.
5	Article - State Government
6	7-106.
7 8	(a) The Secretary of State shall have a seal for the authentication of copies of records in the Office of the Secretary.
9 10	(b) Except as otherwise provided by law, the Secretary of State may charge a person:
11 12	(1) for the authentication of a copy of a record in the custody of the Secretary, a fee of not more than \$5; and
13 14	(2) if the person does not provide the copy for authentication, [50] 25 cents a page.
15	10-621.
	(a) (1) Subject to the limitations in this section, the official custodian may charge an applicant a reasonable fee for the search for, preparation of, and reproduction of a public record.
19 20	(2) THE FEE FOR REPRODUCTION OF A PUBLIC RECORD MAY NOT EXCEED 25 CENTS PER PAGE.
21 22	(b) The official custodian may not charge a fee for the first 2 hours that are needed to search for a public record and prepare it for inspection.
23 24	(c) (1) [If] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF another 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 REPRODUCTION OF A PUBLIC RECORD MADE DURING THE 2-HOUR PERIOD REFERRED TO IN SUBSECTION (B) OF THIS SECTION, THE CUSTODIAN MAY NOT CHARGE A FEE THAT EXCEEDS 25 CENTS PER PAGE.
29 30	[(2)] (3) The official custodian otherwise may charge any reasonable fee for making or supervising the making of a copy, printout, or photograph of a public record.
	[(3)] (4) The official custodian may charge for the cost of providing facilities for the reproduction of the public record if the custodian did not have the facilities.
34	(d) The official custodian may waive a fee under this section if:
35	(1) the applicant asks for a waiver; and

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 this Act shall take effect 5 October 1, 1997.