
By: Senator Madden

Introduced and read first time: January 17, 1997

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; and generally
6 relating to access to public records.

7 BY repealing and reenacting, with amendments,
8 Article - State Government
9 Section 10-621
10 Annotated Code of Maryland
11 (1995 Replacement Volume and 1996 Supplement)

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

14 **Article - State Government**

15 10-621.

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

19 (2) THE FEE FOR REPRODUCTION OF A PUBLIC RECORD MAY NOT BE
20 MORE THAN THE ACTUAL COST OF REPRODUCTION.

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

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

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

2

1 [(2)] (3) The official custodian otherwise may charge any reasonable fee for
2 making or supervising the making of a copy, printout, or photograph of a public record.

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

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

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

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

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 1997.