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SB 464/96 - EEA

1997 Regular Session
7lr1586

By: Senator Madden

Introduced and read first time: January 17, 1997
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 12, 1997

CHAPTER ____

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; making certain
5 exceptions; superseding, under certain circumstances, provisions of law that set a
6 specific fee; and generally 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) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (E) OF THIS
20 SECTION, THE FEE FOR REPRODUCTION OF A PUBLIC RECORD MAY NOT BE MORE
21 THAN THE ACTUAL COST OF REPRODUCTION.

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

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

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

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

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

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

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

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

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

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

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

23 (3) DATA, SYSTEM PRODUCTS, AND SYSTEM SERVICES ADOPTED UNDER
24 §§ 10-901 THROUGH 10-905 OF THIS ARTICLE.

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