

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 \_\_\_\_\_

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.