

SENATE BILL 108

Unofficial Copy
P3

2002 Regular Session
2lr0051

(PRE-FILED)

By: **Chairman, Judicial Proceedings Committee (Departmental - Archives,
Maryland State)**

Requested: October 26, 2001

Introduced and read first time: January 9, 2002

Assigned to: Judicial Proceedings

A BILL ENTITLED

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; and generally relating to the filing and recordation of State
10 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)

16 BY repealing and reenacting, with amendments,
17 Article - State Government
18 Section 9-1011
19 Annotated Code of Maryland
20 (1999 Replacement Volume and 2001 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article - Transportation
23 Section 8-321
24 Annotated Code of Maryland
25 (2001 Replacement Volume)

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

1

Article - Real Property

2 3-109.

3 [(a) Every clerk shall receive, index, and file durable-backed or microfilm
4 aperture card copies of plats] PLATS showing property or rights-of-way [to be]
5 acquired or conveyed by the State Roads Commission and the State Highway
6 Administration SHALL BE FILED WITH THE STATE ARCHIVES AND ELECTRONICALLY
7 RECORDED, AS PROVIDED IN § 9-1011 OF THE STATE GOVERNMENT ARTICLE. [When
8 filed and indexed, the plats shall be a part of the land records of the county in which
9 filed. Each durable-backed plat may not be greater in size than 22 inches by 36
10 inches.

11 (b) A filing fee is not required.

12 (c) A reasonable fee may be charged by the clerk for reproducing a copy of the
13 plat.]

14

Article - State Government

15 9-1011.

16 (a) The Archives is the central depository for and custodian of each deed, title
17 insurance policy, and other record that relates to real property acquired by the State.

18 (b) The Archives may allow a unit of the State government to have custody of
19 an original record that relates to real property acquired by the State, if the unit:

20 (1) needs the record for the daily operation of the unit;

21 (2) demonstrates to the Archives that the unit will preserve the record
22 adequately; and

23 (3) deposits with the Archives a security microform copy of the record.

24 (C) (1) THE ARCHIVES SHALL RECEIVE, INDEX, AND FILE
25 DURABLE-BACKED, MICROFILM APERTURE CARD COPIES OR ELECTRONIC IMAGES
26 OF PLATS SHOWING PROPERTY OR RIGHTS-OF-WAY ACQUIRED OR CONVEYED BY
27 THE STATE ROADS COMMISSION AND THE STATE HIGHWAY ADMINISTRATION.

28 (2) (I) THE ARCHIVES ELECTRONICALLY SHALL POST AN IMAGE OF
29 EACH PLAT ON THE ARCHIVES WEB SITE ([HTTP://WWW.PLATS.NET](http://www.plats.net)) FOR THE COUNTY
30 WHERE THE PROPERTY OR RIGHT-OF-WAY IS LOCATED.

31 (II) THE POSTED IMAGE SHALL CONFORM TO A GENERALLY
32 ACCEPTED ARCHIVAL STANDARD IN QUALITY AND PERMANENCE.

33 (III) THE IMAGE SHALL INCLUDE OR BE LINKED TO A
34 CERTIFICATION BY THE STATE ARCHIVIST THAT THE IMAGE IS AN AUTHENTIC
35 REPRESENTATION OF THE PLAT RECEIVED BY THE ARCHIVES.

1 (IV) SUCH CERTIFICATION BY THE STATE ARCHIVIST SHALL
2 CONSTITUTE A RECORDATION OF THE PLAT.

3 (V) THE ARCHIVES MAY CHARGE A REASONABLE FEE TO THE
4 STATE ROADS COMMISSION, THE STATE HIGHWAY ADMINISTRATION, THE COURTS,
5 AND THE PUBLIC TO RECOVER THE COST OF ELECTRONICALLY POSTING AND
6 MAINTAINING THE IMAGES OF PLATS.

7 **Article - Transportation**

8 8-321.

9 (a) The plats and estimates prepared by the Administration require approval
10 by a resolution of the Commission.

11 (b) If the plats and estimates are approved by the Commission:

12 (1) The Chairman of the Commission shall sign the cover sheet of each
13 set of plats; and

14 (2) A set of plats and its signed cover sheet shall be filed for record with:

15 (i) The secretary of the Commission; and

16 (ii) The [clerk of the court for the county in which the property to
17 be acquired is located] STATE ARCHIVES.

18 (c) (1) The secretary of the Commission [and the clerk of the court each]
19 shall record the plats filed with him.

20 (2) PLATS FILED WITH THE STATE ARCHIVES SHALL BE
21 ELECTRONICALLY RECORDED AS PROVIDED IN § 9-1011 OF THE STATE GOVERNMENT
22 ARTICLE.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
24 effect October 1, 2002.