

SENATE BILL 108

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P3

2002 Regular Session  
2lr0051

(PRE-FILED)

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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

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 5, 2002

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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; 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

1 Section 8-321  
2 Annotated Code of Maryland  
3 (2001 Replacement Volume)

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

6 **Article - Real Property**

7 3-109.

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

16 (b) A filing fee is not required.

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

19 **Article - State Government**

20 9-1011.

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

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

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

26 (2) demonstrates to the Archives that the unit will preserve the record  
27 adequately; and

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

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

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

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

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

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

8 (V) THE ARCHIVES MAY CHARGE A REASONABLE FEE TO THE  
9 STATE ROADS COMMISSION, THE STATE HIGHWAY ADMINISTRATION, THE COURTS,  
10 AND THE PUBLIC TO RECOVER THE COST OF ELECTRONICALLY POSTING AND  
11 MAINTAINING THE IMAGES OF PLATS.

12 **Article - Transportation**

13 8-321.

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

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

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

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

20 (i) The secretary of the Commission; and

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

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

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

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

