

SENATE BILL 143

N1

71r0851
CF 71r0852

By: **Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)**

Introduced and read first time: January 25, 2007

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Electronic Recording Pilot Program**

3 FOR the purpose of authorizing the Administrative Office of the Courts, in
4 collaboration with the other members of the oversight committee of the Circuit
5 Court Real Property Records Improvement Fund, to establish a pilot program
6 for electronic filing of certain instruments relating to real property; requiring
7 that the pilot program be governed by the Maryland Rules; authorizing the pilot
8 program to waive certain requirements for recording or indexing; requiring
9 costs of the pilot program to be paid from the Circuit Court Real Property
10 Records Improvement Fund; providing for the validity and effectiveness of
11 certain instruments filed in accordance with the pilot program; providing for the
12 termination of certain provisions of this Act; and generally relating to land
13 records.

14 BY adding to

15 Article – Real Property

16 Section 3–502

17 Annotated Code of Maryland

18 (2003 Replacement Volume and 2006 Supplement)

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

21 **Article – Real Property**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **3-502.**

2 (A) IN COLLABORATION WITH THE OTHER MEMBERS OF THE
3 OVERSIGHT COMMITTEE OF THE CIRCUIT COURT REAL PROPERTY RECORDS
4 IMPROVEMENT FUND, THE ADMINISTRATIVE OFFICE OF THE COURTS MAY
5 ESTABLISH A PILOT PROGRAM FOR THE ELECTRONIC FILING OF INSTRUMENTS
6 AUTHORIZED OR REQUIRED BY LAW TO BE RECORDED AND INDEXED IN THE
7 LAND RECORDS.

8 (B) (1) MARYLAND RULE 16-307 SHALL GOVERN THE PLAN FOR THE
9 PILOT PROGRAM AND IMPLEMENTATION AND EVALUATION OF THE PILOT
10 PROGRAM.

11 (2) THE PILOT PROGRAM MAY WAIVE ANY TECHNICAL OR OTHER
12 REQUIREMENTS FOR RECORDING OR INDEXING UNDER THIS TITLE OR ANY
13 OTHER GENERAL OR LOCAL LAW, EXCEPT THOSE SET FORTH IN THE
14 REGULATIONS OF THE MARYLAND STATE ARCHIVES CONCERNING THE CARE
15 AND PRESERVATION OF PERMANENT RECORDS.

16 (C) COSTS OF THE PILOT PROGRAM SHALL BE PAID FROM THE CIRCUIT
17 COURT REAL PROPERTY RECORDS IMPROVEMENT FUND IN ACCORDANCE
18 WITH § 13-603 OF THE COURTS ARTICLE.

19 SECTION 2. AND BE IT FURTHER ENACTED, That:

20 (1) An instrument filed in accordance with the pilot program
21 established under this Act shall be valid and effective to the same extent as a
22 substantively identical paper instrument filed under Title 3 of the Real Property
23 Article or other law; and

24 (2) Notwithstanding modification or termination of the pilot program,
25 an instrument filed in accordance with the pilot program in effect at the time of filing
26 shall remain validly and effectively recorded and indexed to the same extent as a
27 substantively identical paper instrument filed at the same time.

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 June 1, 2007. Section 1 of this Act shall remain effective for the period that the plan
30 for the pilot program is authorized by the Court of Appeals under Maryland Rule
31 16-307. Upon termination of the pilot program, with no further action required by the
32 General Assembly, Section 1 of this Act shall be abrogated and of no further force and

1 effect. The Administrative Office of the Courts shall notify the Department of
2 Legislative Services of the termination date.