

SENATE BILL 143

N1

71r0851
CF HB 331

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

Introduced and read first time: January 25, 2007

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 20, 2007

CHAPTER _____

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~~ or modify certain methods, procedures, and
9 requirements for recording or indexing; requiring costs of the pilot program to
10 be paid from the Circuit Court Real Property Records Improvement Fund;
11 providing for the validity and effectiveness of certain instruments filed in
12 accordance with the pilot program; providing for the termination of certain
13 provisions of this Act; and generally relating to land 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)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Real Property**

4 **3-502.**

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

11 (B) (1) MARYLAND RULE 16-307 SHALL GOVERN THE PLAN FOR THE
12 PILOT PROGRAM AND IMPLEMENTATION AND EVALUATION OF THE PILOT
13 PROGRAM.

14 (2) THE PILOT PROGRAM MAY WAIVE ~~ANY TECHNICAL OR OTHER~~
15 ~~REQUIREMENTS~~ OR MODIFY ANY METHOD, PROCEDURE, OR CLERICAL OR
16 TECHNICAL REQUIREMENT FOR RECORDING OR INDEXING UNDER THIS TITLE
17 OR ANY OTHER GENERAL OR LOCAL LAW, EXCEPT THOSE SET FORTH IN THE
18 REGULATIONS OF THE MARYLAND STATE ARCHIVES CONCERNING THE CARE
19 AND PRESERVATION OF PERMANENT RECORDS.

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

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

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

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

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 June 1, 2007. Section 1 of this Act shall remain effective for the period that the plan
3 for the pilot program is authorized by the Court of Appeals under Maryland Rule
4 16–307. Upon termination of the pilot program, with no further action required by the
5 General Assembly, Section 1 of this Act shall be abrogated and of no further force and
6 effect. The Administrative Office of the Courts shall notify the Department of
7 Legislative Services of the termination date.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.