

CHAPTER 234

(House Bill 331)

AN ACT concerning

Real Property – Electronic Recording Pilot Program

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

BY adding to

Article – Real Property

Section 3–502

Annotated Code of Maryland

(2003 Replacement Volume and 2006 Supplement)

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

Article – Real Property

3–502.

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That:

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

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

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

Approved by the Governor, April 24, 2007.