A BILL TO BE ENTITLED
AN ACT

To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to change certain requirements and certifications for certain maps, plats, and plans presented for filing with the clerk of superior court; to provide for definitions; to change certain provisions relating to the information and certifications to be provided by land surveyors on certain documents; to provide for applicability; to provide a short title; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
This Act shall be known and may be cited as the "Georgia Plat and Condominium Plan Recording Act of 2017."

SECTION 2.
Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising Code Section 15-6-67, relating to recordation of maps and plats and specifications, as follows:

"15-6-67.
(a) As used in this Code section, the term:
(1) 'Condominium plan' means a drawing that is required to be recorded prior to the first conveyance of a condominium unit pursuant to subsection (b) of Code Section 44-3-83, including, but not limited to, a condominium floor plan, condominium plot plan, or condominium site plan.
(2) 'Plat' means a drawing prepared by a land surveyor that describes and depicts real property boundaries, including, but not limited to, a map, condominium plat, subdivision plat, as-built survey, easement survey, or retracement survey.
(b) All plats and condominium plans submitted for filing with the clerk of superior court shall be submitted electronically. The clerk of superior court shall file and record maps,
plats; and subdivision plats, and condominium plats, condominium site plans, condominium plot plans, and condominium floor plans, and condominium plans instruments presented in accordance with Code Section 44-3-83 relating to real estate in the county when submitted for filing as provided in this Code section and accompanied with any required filing fees or costs.

(b) Each map, plat, or condominium plan referred to in subsection (a) of this Code section to be filed and recorded in the office of the clerk of superior court shall be in conformance with the following requirements:

(1) **Format for plats and condominium plans.** All images of a plat or condominium plan submitted for filing shall be at full size of the drawing scale stated thereon and shall:
   (A) Be an electronic image of a plat or condominium plan presented to the clerk electronically in conformance with all specifications set forth in any rules and regulations promulgated by the Georgia Superior Court Clerks' Cooperative Authority; and
   (B) Provide a box of not less than three inches square, if at full size, in the upper left-hand corner which shall be reserved for the clerk to append filing information.

(2) **Caption.** Each map, plat, or plan page image shall have a caption which shall comply with the minimum standards and specifications adopted in the rules and regulations of the State Board of Registration for Professional Engineers and Land Surveyors and provide the following information:
   (A) The county where the property lies;
   (B) Any city, town, municipality, or village wherein the property lies;
   (C) The names of all owners of the property or owners of the subject property as stated on the most current or applicable title instrument;
   (D) If such plat is a subdivision plat, condominium plat, condominium site plan, condominium plot plan, or condominium floor plan the type of plat;
   (E) The name of any subdivision if for the property lies within a named subdivision clearly identified as such or if the plat is creating a new subdivision;
   (F) The name of any condominium if for a condominium plat, condominium site plan, condominium plot plan, or condominium floor plan the property is within a condominium development;
   (G) The applicable units, pods, blocks, lots, or other subdesignations of any named subdivision or condominium;
   (H) The name or names of the developer or developers of any named new subdivision or condominium;
(I) All applicable land districts and land lots reflected on such map, plat, or plan land lots, land districts, sections, reserves, or militia districts wherein the platted property lies;

(J) The date of initial preparation and issuance, or and any revision date dates, including a brief explanation of each revision;

(K) The name, address, and telephone number, and license or registration number of the land surveyor, and who prepared and sealed the plat and, if working for or through a firm, corporation, partnership, association, limited liability company, or other entity, then also the Certificate of Authorization Number of that entity (the address and telephone number of such entity are acceptable in lieu of the individual surveyor's address and telephone number);

(L) The registration number of the land surveyor or a statement that he or she is the county surveyor and is not required by law to be a registered surveyor;

(M) The seal of the land surveyor who has prepared the plat and is signing the surveyor certification, which shall be placed within or next to the surveyor certification box;

(N) If the map, plat, or plan has multiple pages, the page number for each applicable page; and the total number of sheets in the set shall be placed on each sheet in the same or similar location. The information required by this paragraph may be placed on all sheets or on different sheets within the set submitted for filing; and

(O) The scale of the plat stated and shown graphically; and

(2) Land surveyor certifications required for plats.

(A) Surveyor certification box for plats. Each map, plat, or plan shall provide have depicted thereon a box which contains one of the following language and the applicable certifications of the registered land surveyor required pursuant to subsection (c) of this Code section:

(i) As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.
As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording. The names of the individuals signing or approving this plat, the agency or office of that individual, and the date of approval is listed in the approval table shown hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, NOR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

The property hereon lies completely within a jurisdiction which does not review or approve plats prior to recording. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

SURVEYOR CERTIFICATIONS
As required by subsection (e) of O.C.G.A. Section 15-6-67, the Registered Land Surveyor hereby certifies that this map, plat, or plan has been approved for filing in

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writing by any and all applicable municipal, county, or municipal-county planning
commissions or municipal or county governing authorities or that such governmental
bodies have affirmed in writing that approval is not required:

The following governmental bodies have approved this map, plat, or plan for filing:

____________________________________  Name and date (mm/dd/yyyy)
____________________________________  Name and date (mm/dd/yyyy)

The following governmental bodies have affirmed that approval is not required:

____________________________________  Name and date (mm/dd/yyyy)
____________________________________  Name and date (mm/dd/yyyy)

Such approvals or affirmations should be confirmed with the appropriate governmental
bodies by any purchaser as to intended use of any parcel.

The Registered Land Surveyor further certifies that this map, plat, or plan complies with
the minimum standards and specifications of the State Board of Registration for
Professional Engineers and Land Surveyors and the Georgia Superior Court Clerks'
Cooperative Authority:

_______________________
Facsimile Signature

(B) Other certification information required for plats.

(i) The land surveyor shall sign on a line immediately beneath the certification on the
plat. At the discretion of the land surveyor and in conformity with local regulations,
the surveyor may electronically sign the certification using a facsimile signature. The
facsimile signature may be a reproduction of an original signature or an electronically
created signature. If the land surveyor elects to use a facsimile signature, the surveyor
must maintain full control over the application and use of such signature.

(ii) Additional dates, certifications, and signatures, which may be electronically
created signatures, may be placed on plats. Such certifications may include, but are
not limited to, those that may be required by local jurisdictions or agencies, the United
States Small Business Administration, the United States Department of Housing and
Urban Development, and the American Land Title Association.

(iii) The approval table required by division (c)(3)(A)(ii) of this Code section shall
be data in a tabular format which shall include the name of each governmental body
or agency that has approved the plat, the name of each individual who issued such
approval, and the date that each approval was granted.

(iv) In the case of a plat that is a retracement survey, the land surveyor shall state
clearly the recording information of any document, map, plat, or other instrument
which created any of the parcels depicted. The depiction of gores, overlaps, or other
parcel delineation as may be necessary to remedy or address title issues or
deficiencies shall be allowed as part of the retracement function.

(v) Plats bearing the certification provided for in division (c)(3)(A)(iii) of this Code
section shall be entitled to recordation without further review or local approval.

(3) **Filing information box.** Each image of a map, plat, or plan shall provide a box of
not less than three inches square, if at full size, in the upper left-hand corner which shall
be reserved for the clerk to append filing information; and

(4) **Format.** All images of maps, plats, or plans submitted for filing shall:

(A) Comply with the minimum standards and specifications adopted in the rules and
regulations of the State Board of Registration for Professional Engineers and Land
Surveyors; and

(B) Be an electronic image of a single page certified and presented to the clerk
electronically in conformance with all specifications set forth in any rules and
regulations promulgated by the Georgia Superior Court Clerks' Cooperative Authority.

(c)(1)(d) Whenever the municipal planning commission, the county planning commission,
the municipal-county planning commission, or, if no such planning commission exists, the
appropriate municipal or county governing authority prepares and adopts subdivision
regulations, and upon receiving approval thereon by the appropriate governing authority,
or land use regulations, or both, then no map, plat, or plan of a subdivision of land within
the municipality or the county shall be filed or recorded in presented for filing with the
office of the clerk of superior court of a county:

(A) Without the approval of the municipal planning commission, county
planning commission, municipal-county planning commission, or appropriate
municipal or county governing authority, and

(B) Unless the registered land surveyor who prepares any such map, plat, or plan for
filing certifies thereon that such map, plat, or plan has been approved for filing by all
applicable governmental bodies. Such certification shall specifically state by name the
governmental bodies that approved the filings and the dates such actions were taken.

(2) Notwithstanding any other provision of this subsection to the contrary, no approval
of the municipal planning commission, county planning commission, municipal county
planning commission, or, if no such planning commission exists, the appropriate
municipal or county governing authority shall be required if no new streets or roads are
created or no new utility improvements are required or no new sanitary sewer or approval
of a septic tank is required. Any map, plat, or plan of survey containing thereon a
certification from a registered land surveyor that the municipal, county, or
municipal-county planning commission or appropriate municipal or county governing
authority has affirmed in writing that approval is not required shall entitle said map, plat,
or plan to be recorded, provided that such certification includes the name of the
governmental bodies that affirmed that such approval is not necessary and the dates of
such actions.

(d)(e) Any land surveyor who fraudulently makes any certification required under this
Code section shall, upon conviction thereof, be guilty of a misdemeanor.

(f) The clerk of superior court shall make available a public computer terminal which
provides a filer access to the Georgia Superior Court Clerks' Cooperative Authority's
electronic filing portal.

(g) The Georgia Superior Court Clerks' Cooperative Authority shall have the power and
authority to promulgate such rules and regulations deemed necessary or convenient for
implementation of the provisions of this Code section.

(h) The clerk of superior court shall be held harmless for the filing of any map, plat, or
condominium plan that fails to meet any requirement of this Code section.

(i) Any plats or condominium plans prepared prior to the effective date of this Code
section in compliance with previous statutory requirements may be recorded pursuant to
this Code section so long as such documents are submitted as electronic images and
presented to the clerk of superior court electronically.

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law
without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.