

House Bill 76 (AS PASSED HOUSE AND SENATE)

By: Representatives Jasperse of the 11th and Petrea of the 166th

A BILL TO BE ENTITLED
AN ACT

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

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

11 **SECTION 2.**

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

15 "15-6-67.

16 (a) As used in this Code section, the term:

17 (1) 'Condominium plan' means a drawing that is required to be recorded prior to the first
18 conveyance of a condominium unit pursuant to subsection (b) of Code Section 44-3-83,
19 including, but not limited to, a condominium floor plan, condominium plot plan, or
20 condominium site plan.

21 (2) 'Plat' means a drawing prepared by a land surveyor that describes and depicts real
22 property boundaries, including, but not limited to, a map, condominium plat, subdivision
23 plat, as-built survey, easement survey, or retracement survey.

24 (b) All plats and condominium plans submitted for filing with the clerk of superior court
25 shall be submitted electronically. The clerk of superior court shall file and record ~~maps,~~

26 ~~plats, and subdivision plats, and condominium plats, condominium site plans,~~
 27 ~~condominium plot plans, and condominium floor plans, and condominium plans~~
 28 ~~instruments presented in accordance with Code Section 44-3-83 relating to real estate in~~
 29 ~~the county when submitted for filing as provided in this Code section and accompanied~~
 30 ~~with any required filing fees or costs.~~

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

34 ~~(1) **Format for plats and condominium plans.** All images of a plat or condominium~~
 35 ~~plan submitted for filing shall be at full size of the drawing scale stated thereon and shall:~~

36 ~~(A) Be an electronic image of a plat or condominium plan presented to the clerk~~
 37 ~~electronically in conformance with all specifications set forth in any rules and~~
 38 ~~regulations promulgated by the Georgia Superior Court Clerks' Cooperative Authority;~~
 39 ~~and~~

40 ~~(B) Provide a box of not less than three inches square, if at full size, in the upper~~
 41 ~~left-hand corner which shall be reserved for the clerk to append filing information;~~

42 ~~(1) **Caption.**(2) **Required data for plats.** Each map, plat, or plan page image shall~~
 43 ~~have a caption which shall comply with the minimum standards and specifications~~
 44 ~~adopted in the rules and regulations of the State Board of Registration for Professional~~
 45 ~~Engineers and Land Surveyors and provide the following information:~~

46 (A) The county where the property lies;

47 (B) Any ~~city, town, municipality, or village~~ wherein the property lies;

48 (C) The ~~names~~ name of all ~~owners of the property~~ owner or owners of the subject
 49 property as stated on the most current or applicable title instrument;

50 (D) ~~If such plat is a subdivision plat, condominium plat, condominium site plan,~~
 51 ~~condominium plot plan, or condominium floor plan~~ The type of plat;

52 (E) The name of any subdivision if ~~for~~ the property lies within a named subdivision
 53 ~~clearly identified as such~~ or if the plat is creating a new subdivision;

54 (F) The name of any condominium if ~~for a condominium plat, condominium site plan,~~
 55 ~~condominium plot plan, or condominium floor plan~~ the property is within a
 56 condominium development;

57 (G) The applicable units, pods, blocks, lots, or other subdesignations of any named
 58 subdivision or condominium;

59 (H) The name or names of the developer or developers of any ~~named~~ new subdivision
 60 or condominium;

61 ~~(I) All applicable land districts and land lots reflected on such map, plat, or plan~~ land
 62 lots, land districts, sections, reserves, or militia districts wherein the platted property
 63 lies;

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

66 ~~(K) The name, address, and telephone number, and license or registration number of~~
 67 the land surveyor; and who prepared and sealed the plat and, if working for or through
 68 a firm, corporation, partnership, association, limited liability company, or other entity,
 69 then also the certificate of authorization number of that entity, in which case the address
 70 and telephone number of such entity are acceptable in lieu of the individual surveyor's
 71 address and telephone number;

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

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

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

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

81 ~~(2)~~**(3) Land surveyor certifications required for plats.**

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

86 (i) As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been
 87 prepared by a land surveyor and approved by all applicable local jurisdictions for
 88 recording as evidenced by approval certificates, signatures, stamps, or statements
 89 hereon. Such approvals or affirmations should be confirmed with the appropriate
 90 governmental bodies by any purchaser or user of this plat as to intended use of any
 91 parcel. Furthermore, the undersigned land surveyor certifies that this plat complies
 92 with the minimum technical standards for property surveys in Georgia as set forth
 93 in the rules and regulations of the Georgia Board of Registration for Professional
 94 Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

95 (ii) As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has
 96 been prepared by a land surveyor. This plat has been approved by all applicable
 97 local jurisdictions that require prior approval for recording this type of plat or one
 98 or more of the applicable local jurisdictions do not require approval of this type of
 99 plat. For any applicable local jurisdiction that requires approval of this type of plat,
 100 the names of the individuals signing or approving this plat, the agency or office of
 101 that individual, and the date of approval are listed in the approval table shown
 102 hereon. For any applicable local jurisdiction that does not require approval of this
 103 type of plat, the name of such local jurisdiction and the number of the applicable
 104 ordinance or resolution providing that no such approval is required are listed in the
 105 approval table shown hereon. Such approvals, affirmations, or ordinance or
 106 resolution numbers should be confirmed with the appropriate governmental bodies
 107 by any purchaser or user of this plat as to intended use of any parcel. Furthermore,
 108 the undersigned land surveyor certifies that this plat complies with the minimum
 109 technical standards for property surveys in Georgia as set forth in the rules and
 110 regulations of the Georgia Board of Registration for Professional Engineers and
 111 Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

112 (iii) This plat is a retracement of an existing parcel or parcels of land and does not
 113 subdivide or create a new parcel or make any changes to any real property
 114 boundaries. The recording information of the documents, maps, plats, or other
 115 instruments which created the parcel or parcels are stated hereon.
 116 RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY
 117 LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE
 118 WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR
 119 ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land
 120 surveyor certifies that this plat complies with the minimum technical standards for
 121 property surveys in Georgia as set forth in the rules and regulations of the Georgia
 122 Board of Registration for Professional Engineers and Land Surveyors and as set
 123 forth in O.C.G.A. Section 15-6-67.

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(iv) The property hereon lies completely within a jurisdiction which does not review or approve any plats or this type of plat 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.

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SURVEYOR CERTIFICATIONS

~~As required by subsection (c) 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 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.~~

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153 Facsimile Signature

154 **(B) Other certification information required for plats.**

155 (i) The land surveyor shall sign on a line immediately beneath the certification on the
156 plat. At the discretion of the land surveyor and in conformity with local regulations,
157 the surveyor may electronically sign the certification using a facsimile signature. The
158 facsimile signature may be a reproduction of an original signature or an electronically

159 created signature. If the land surveyor elects to use a facsimile signature, the surveyor
 160 must maintain full control over the application and use of such signature.

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

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

170 (iv) Plats that meet the requirements of a municipal or county governing authority
 171 ordinance or resolution specifying that no approval of such plat is necessary prior to
 172 recording may be recorded using the certification set forth in division (c)(3)(A)(ii) or
 173 (c)(3)(A)(iv) of this Code section, as applicable.

174 (v) In the case of a plat that is a retracement survey, the land surveyor shall state
 175 clearly the recording information of any document, map, plat, or other instrument
 176 which created any of the parcels depicted. The depiction of gores, overlaps, or other
 177 parcel delineation as may be necessary to remedy or address title issues or
 178 deficiencies shall be allowed as part of the retracement function. Plats that depict
 179 existing or proposed easements for utilities or for conservation purposes may be
 180 recorded using the certification set forth in division (c)(3)(A)(iii) of this Code section,
 181 provided that there are no changes to any real property boundaries.

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

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

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

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

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

194 ~~(c)(1)(d)~~ Whenever the municipal planning commission, the county planning commission,
 195 the municipal-county planning commission, or, if no such planning commission exists, the

196 appropriate municipal or county governing authority prepares and adopts subdivision
 197 regulations, ~~and upon receiving approval thereon by the appropriate governing authority,~~
 198 or land use regulations, or both, then no ~~map, plat, or plan~~ of a subdivision of land within
 199 the municipality or the county shall be ~~filed or recorded in~~ presented for filing with the
 200 office of the clerk of superior court of a county:

201 ~~(A) Without~~ without the approval of the municipal planning commission, county
 202 planning commission, municipal-county planning commission, or appropriate
 203 municipal or county governing authority, ~~and~~

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

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

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

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

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

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

230 (i) Any plats or condominium plans prepared prior to the effective date of this Code
 231 section in compliance with previous statutory requirements may be recorded pursuant to

232 this Code section so long as such documents are submitted as electronic images and
233 presented to the clerk of superior court electronically."

234 **SECTION 3.**

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

237 **SECTION 4.**

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