

House Bill 76

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 (the address and
 70 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 and approved by all applicable local jurisdictions
 97 for recording. The names of the individuals signing or approving this plat, the
 98 agency or office of that individual, and the date of approval is listed in the approval
 99 table shown hereon. Such approvals or affirmations should be confirmed with the
 100 appropriate governmental bodies by any purchaser or user of this plat as to intended
 101 use of any parcel. Furthermore, the undersigned land surveyor certifies that this
 102 plat complies with the minimum technical standards for property surveys in
 103 Georgia as set forth in the rules and regulations of the Georgia Board of
 104 Registration for Professional Engineers and Land Surveyors and as set forth in
O.C.G.A. Section 15-6-67.

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

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

126 SURVEYOR CERTIFICATIONS

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

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

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

133 _____ ~~Name and date (mm/dd/yyyy)~~

134 _____ ~~Name and date (mm/dd/yyyy)~~

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

136 _____ ~~Name and date (mm/dd/yyyy)~~

137 _____ ~~Name and date (mm/dd/yyyy)~~

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

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

144 _____

145 ~~Facsimile Signature~~

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

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

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

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

162 (iv) In the case of a plat that is a retracement survey, the land surveyor shall state
163 clearly the recording information of any document, map, plat, or other instrument
164 which created any of the parcels depicted. The depiction of gores, overlaps, or other

165 parcel delineation as may be necessary to remedy or address title issues or
 166 deficiencies shall be allowed as part of the retracement function.

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

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

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

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

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

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

186 ~~(A) Without without the approval of the municipal planning commission, county~~
 187 ~~planning commission, municipal-county planning commission, or appropriate~~
 188 ~~municipal or county governing authority,; and~~

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

193 ~~(2) Notwithstanding any other provision of this subsection to the contrary, no approval~~
 194 ~~of the municipal planning commission, county planning commission, municipal-county~~
 195 ~~planning commission, or, if no such planning commission exists, the appropriate~~
 196 ~~municipal or county governing authority shall be required if no new streets or roads are~~
 197 ~~created or no new utility improvements are required or no new sanitary sewer or approval~~
 198 ~~of a septic tank is required. Any map, plat, or plan of survey containing thereon a~~
 199 ~~certification from a registered land surveyor that the municipal, county, or~~
 200 ~~municipal-county planning commission or appropriate municipal or county governing~~
 201 ~~authority has affirmed in writing that approval is not required shall entitle said map, plat,~~

202 ~~or plan to be recorded, provided that such certification includes the name of the~~
203 ~~governmental bodies that affirmed that such approval is not necessary and the dates of~~
204 ~~such actions.~~

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

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

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

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

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

219 **SECTION 3.**

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

222 **SECTION 4.**

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