

The Senate Committee on Judiciary offered the following substitute to HB 76:

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:

**SECTION 1.**

8 This Act shall be known and may be cited as the "Georgia Plat and Condominium Plan  
9 Recording Act of 2017."  
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**SECTION 2.**

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