

In subsection (a)(1) of this section, the former reference to a "reasonable fee to be set by the official custodian" is deleted as unnecessary and overly broad in light of the specific provisions of § 5-121 of this subtitle.

The second clause of the third sentence of former Art. 76A, § 4(a), which required the custodian to allow arrangements to be made for reproduction of a public record that cannot be reproduced where it is kept, is deleted as unnecessary in light of subsections (a)(1)(ii) and (b)(1)(ii) of this section.

Defined terms: "Applicant" § 5-101
"Custodian" § 5-101 "Official custodian" § 5-101
"Public record" § 5-101

5-112. FEES.

(A) IN GENERAL.

SUBJECT TO THE LIMITATIONS IN THIS SECTION, THE OFFICIAL CUSTODIAN MAY CHARGE AN APPLICANT A REASONABLE FEE FOR THE SEARCH FOR, PREPARATION OF, AND REPRODUCTION OF A PUBLIC RECORD.

(B) LIMITATION ON SEARCH AND PREPARATION FEES.

THE OFFICIAL CUSTODIAN MAY NOT CHARGE A FEE FOR THE FIRST 2 HOURS THAT ARE NEEDED TO SEARCH FOR A PUBLIC RECORD AND PREPARE IT FOR INSPECTION.

(C) LIMITATION ON REPRODUCTION FEES.

(1) IF ANOTHER LAW SETS A FEE FOR A COPY, PRINTOUT, OR PHOTOGRAPH OF A PUBLIC RECORD, THAT LAW APPLIES.

(2) THE OFFICIAL CUSTODIAN OTHERWISE MAY CHARGE ANY REASONABLE FEE FOR MAKING OR SUPERVISING THE MAKING OF A COPY, PRINTOUT, OR PHOTOGRAPH OF A PUBLIC RECORD.

(3) THE OFFICIAL CUSTODIAN MAY CHARGE FOR THE COST OF PROVIDING FACILITIES FOR THE REPRODUCTION OF THE PUBLIC RECORD IF THE CUSTODIAN DID NOT HAVE THE FACILITIES.

(D) WAIVER.

THE OFFICIAL CUSTODIAN MAY WAIVE A FEE UNDER THIS SECTION IF:

(1) THE APPLICANT ASKS FOR A WAIVER; AND

(2) AFTER CONSIDERATION OF THE ABILITY OF THE APPLICANT TO PAY THE FEE AND OTHER RELEVANT FACTORS, THE OFFICIAL CUSTODIAN DETERMINES THAT THE WAIVER WOULD BE IN THE PUBLIC INTEREST.