

## No. 2002-205

## AN ACT

## SB 1204

Amending the act of May 9, 1949 (P.L.908, No.250), entitled, as amended, "An act relating to public records of political subdivisions other than cities and counties of the first class; authorizing the recording and copying of documents, plats, papers and instruments of writing by photostatic, photographic, microfilm or other mechanical process, and the admissibility thereof and enlargements thereof in evidence; providing for the storage of duplicates and sale of microfilm copies of official records and for the destruction of other records deemed valueless; and providing for the services of the Pennsylvania Historical and Museum Commission to political subdivisions," further providing for methods for the copying of certain records.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The title and sections 1, 3 and 8 of the act of May 9, 1949 (P.L.908, No.250), entitled, as amended, "An act relating to public records of political subdivisions other than cities and counties of the first class; authorizing the recording and copying of documents, plats, papers and instruments of writing by photostatic, photographic, microfilm or other mechanical process, and the admissibility thereof and enlargements thereof in evidence; providing for the storage of duplicates and sale of microfilm copies of official records and for the destruction of other records deemed valueless; and providing for the services of the Pennsylvania Historical and Museum Commission to political subdivisions," amended February 18, 1998 (P.L.178, No.28), are amended to read:

## AN ACT

Relating to public records of political subdivisions other than cities and counties of the first class; authorizing the recording and copying of documents, plats, papers and instruments of writing by *digital*, photostatic, photographic, microfilm or other [mechanical] process, and the admissibility thereof and enlargements thereof in evidence; providing for the storage of duplicates and sale of microfilm *and digital* copies of official records and for the destruction of other records deemed valueless; and providing for the services of the Pennsylvania Historical and Museum Commission to political subdivisions.

Section 1. Whenever any public officer of any political subdivision or agency thereof, including home rule municipalities, other than counties of the first class or agencies thereof and cities of the first class or agencies thereof, is required or authorized by law or otherwise to record or copy any document, the officers may do so by any *digital*, photostatic, photographic, microphotographic, microfilm, microcard, miniature photographic, optical, electronic or other process which accurately reproduces the original and forms a durable medium for recording, storing and reproducing the original

in accordance with standards, policies and procedures for the creation, maintenance, transmission or reproduction of images of records approved by the County or Local Government Records Committees, as applicable, but not less than those standards, policies and procedures approved by the National Institute of Standards and Technology. Any document within the scope of this section and which previously has been recorded or copied may be reproduced by processes authorized by this section.

Section 3. Roll and unitized microfilms *and digital* and imaged records shall be adequately identified in conformance with standards, policies and procedures approved by the County or Local Government Records Committees, as applicable. It shall be the responsibility of the custodian of the records copied to regulate and supervise the copying process and to inspect the resulting microcopies *and digital* and imaged records so as to satisfy the custodian that all copies are complete, accurate and clearly legible. When any enlarged reproduction of [a negative or positive film] *such record* is to be used as evidence, the reproduction shall contain, or have attached thereto, the signed and sealed attestation of the officer having the official custody of the [negative or positive film] *record* that the same is a true and correct copy thereof.

Section 8. The executive director of the Pennsylvania Historical and Museum Commission may, at the executive director's discretion, make available the services of the Pennsylvania Historical and Museum Commission to political subdivisions of the Commonwealth for the purpose of *digitizing*, photographing or imaging public records upon such terms and conditions as the executive director may prescribe, which terms shall provide for the payment to, and reimbursement of, the Commonwealth for the reasonable cost of such services.

Section 2. This act shall take effect immediately.

APPROVED—The 9th day of December, A.D. 2002.

MARK S. SCHWEIKER