

## **Public Officers**

Title 65 P.S. Public Officers  
Chapter 3. Official Documents, Records, and Seals

### **§ 51. Officers to receive books of predecessors**

In all cases where any person has been or hereafter shall be appointed to any office of public trust or employment, it shall be his duty, and it is hereby enjoined upon him, to call upon the person or persons who held the offices immediately before his appointment, or upon the heirs, executors or administrators of such person or persons, and receive from him or them all records, books, draughts, plans, papers, seals or other official documents, which to such office or appointment belonged, or of right appertained.

### **§ 52. Action in case of refusal**

If the person or persons in whose hands or possession any such records, books, draughts, plans, papers, seals or other official documents shall or may remain, shall refuse to deliver up the same, upon the reasonable request of any person legally commissioned to such office or appointment, the said officer shall forthwith apply to a justice of the peace, [\[FN1\]](#) who shall issue process for such person or persons so refusing, and shall cause them, either by sufficient bail or commitment, to appear at the next court of quarter sessions for the proper county, there to be proceeded against by way of indictment for the offense aforesaid.

### **§ 52a. Penalty for detaining records, etc.**

Every person legally convicted by verdict of a jury, of detaining from any person duly commissioned to any office or appointment, any records, books, draughts, plans, papers, seals or other documents, to such office or appointment belonging, or in any wise appertaining, after reasonable demand made, the court before whom such verdict is given, shall sentence such person to be committed in close custody, in the jail of the proper county, there to remain without bail or mainprize, until such papers so found by verdict to be in his, her or their possession, shall be delivered to the proper officer, and shall moreover pay a fine not exceeding one hundred dollars; one-half to be paid to the officer, from whom the documents were detained, and the other half to the use of the commonwealth.

### **§ 53. Form of official seals**

Upon every seal hereafter to be procured of a county, court of common pleas, court of oyer and terminer, court of quarter sessions, orphans' court, register, recorder, and notary public of the commonwealth of Pennsylvania, there shall be engraved the same device as is engraved on the great seal of the state, together with the name of the county, court, or office in which the seal is to be used for the attestation of official papers.

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### **§ 54. Procuring seals**

The secretary of the commonwealth shall be required to procure, from time to time, the seals for the several counties, courts, and county officers, and notaries public in said several counties in the commonwealth, and that the auditor general shall charge said several counties respectively with the cost of said seals, except those of notaries public.

## **Photostatic Copies of Records**

### **§ 61. Records by photostatic process**

Whenever any officer or employe of the Commonwealth or of any county, city, borough, town, township, school or poor district is required or authorized by law, or otherwise, to record or copy any document, plat, paper or instrument of writing, he may do such recording or copying by any photostatic, photographic or other mechanical process which produces a clear, accurate, and permanent copy or reproduction of the original document, plat, paper or instrument of writing.

### **§ 62. Photostatic copies as evidence**

Copies and records thus produced shall have the same effect, and be admissible in evidence in like manner and under the same conditions as copies and records produced in accordance with the law in effect immediately prior to the passage of this act.

## **Political Subdivision Public Records Law**

### **§ 63.1. Recording or copying by digital, photostatic, photographic, microfilm or other process**

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.

### **§ 63.2. Effect of copies and admissibility in evidence**

Copies of records thus produced, or enlarged reproductions of copies of records thus produced, shall have the same effect, and be admissible in evidence in like manner and under the same conditions, as copies of original records produced in accordance with the law in effect immediately prior to the passage of this act.

### **§ 63.3. Identification of records; responsibility of custodian; attestation of reproductions**

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 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 record that the same is a true and correct copy thereof.

### **§ 63.6. Destruction of records when reproduced or copied or when valueless**

Records which have been reproduced or copied in accordance with section one of this act or other records which are deemed valueless may be destroyed or otherwise disposed of in accordance with applicable laws and regulations or schedules and procedures relating to the destruction of public records approved by the County or Local Government Records Committees, as applicable.

### **§ 63.8. Pennsylvania Historical and Museum Commission; services available to political subdivisions**

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.

(Note – other sections of **§ 63** repealed by **1998, Feb. 18, P.L. 178, No. 28**)

## **First Class City and County Public Records Law**

### **§ 65.1. Recording, copying, etc., by photostatic, photographic, etc., process authorized**

Whenever any officer of any county of the first class or of any city of the first class is required or authorized by law or otherwise to record, copy or recopy any document, plat, paper or instrument of writing, he may do so by any 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 not less than those approved by the National Institute of Standards and Technology. Any document, plat, paper or instrument of writing within the scope of this section and which previously has been recorded, copied or recopied also may be reproduced by processes authorized by this section.

#### **§ 65.1a. Recording fee**

In addition to any other fee provided by law, including any fee set by local ordinance, a fee in the amount of \$2 shall be charged and collected for each document recorded by the recorder of deeds or equivalent officer of any city or county of the first class. Fees collected pursuant to this section shall be paid into the general fund of such city or county for appropriation solely to the office of the recorder of deeds or equivalent officer of any city or county of the first class to be used, in accordance with regular budgeting, contracting and procurement practices, to support development and improvement of office records management activities and systems in the office of the recorder of deeds or in its equivalent. Amounts so appropriated shall not be used to substitute any allocations of general fund revenues for the operation of the recorder's office.

#### **§ 65.2. Certification as true and original copy**

In any case where an original document, plat, paper, written instrument, record, or book of record, previously filed or of record in the office of such officer is, whether because of the worn or injured condition thereof or for any other reason, copied and replaced by such process, and where such officer is required by law to certify in or on the paper or book replacing the original so copied that the replacement is a true and correct copy of the original, a copy of such certification by such officer, similarly made and produced and included at the end of the replacement, shall be sufficient compliance with such law.

#### **§ 65.3. Copies, how considered; effect; evidence**

Copies, records, reproductions and replacements, or enlarged reproductions thereof, thus produced, shall be considered as original copies, records, papers, or books of record, for all purposes, shall have the same effect in law and equity, and shall be admissible in evidence in like manner and under the same conditions as original copies, records, papers, or books of record, produced or copied in any other manner authorized by law.

#### **§ 65.4. Transcripts or certified copies**

Transcripts or certified copies of such copies, records, reproductions and replacements, shall be considered as transcripts or certified copies of the originals.

#### **§ 65.5. Correction, alteration, endorsement or entry**

In any case where any record or replacement thereof in the office of any such officer is produced by such process, any correction, alteration, endorsement, or entry, required or authorized to be made of or on any instrument or paper or on the record thereof, may be made by filing or inserting copies or recopies produced by the same process, of the pages, page, or part of the page, so corrected, altered, or on which such endorsement or entry is made, next to the place wherein the copy or record of such instrument or paper is contained or in such other manner as such officer shall deem advisable or practicable.

#### **Inspection and Copying of Records [Repealed]**

**§ 66.1 – 66.9 Repealed by 2008, Feb. 14, P.L. 6, No. 3, § 3102(2)(ii), effective Jan. 1, 2009 (RTKL Law)**