

SENATE BILL 74

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2000 Regular Session
(01r0127)

ENROLLED BILL

-- Judicial Proceedings/Commerce and Government Matters --

Introduced by **Chairman, Judicial Proceedings Committee (Departmental - Secretary of State)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER 42

1 AN ACT concerning

2

Notaries Public

3 FOR the purpose of authorizing any Senator to approve the issuance of a notary
4 public commission if an applicant resides in a senatorial district and subdistrict
5 for which the Senate office is vacant; providing that a notary public commission
6 may only be issued to an individual living outside the State, if the individual's
7 state allows a Maryland resident working in that state to serve as a notary
8 public in that state; providing that the Secretary of State may provide lists of
9 certain information in its records for a fee and under certain circumstances;
10 authorizing the Secretary of State to charge a reasonable fee for checks returned
11 for insufficient funds; ~~authorizing~~ requiring the Secretary of State to revoke a
12 notary public commission without a hearing under certain circumstances;
13 requiring certain custodians of public records to permit inspection of certain
14 ~~notary~~ information about a notary public in their records; prohibiting the
15 Secretary of State from disclosing certain information under certain
16 circumstances; and generally relating to notaries public.

1 BY repealing and reenacting, with amendments,
 2 Article - State Government
 3 Section 10-617(j)(2), 18-101, 18-102, and 18-103(a) and (e)
 4 Annotated Code of Maryland
 5 (1999 Replacement Volume)

6 BY adding to
 7 Article - State Government
 8 Section 18-114
 9 Annotated Code of Maryland
 10 (1999 Replacement Volume)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article - State Government**

14 10-617.

15 (j) (2) A custodian shall permit inspection of the part of a public record that
 16 gives:

17 (i) the name of the notary public;

18 (ii) the home address of the notary public;

19 (iii) THE HOME AND BUSINESS TELEPHONE NUMBERS OF THE
 20 NOTARY PUBLIC;

21 (IV) the issue and expiration dates of the notary public's
 22 commission;

23 [(iv)] (V) the date the person took the oath of office as a notary
 24 public; or

25 [(v)] (VI) the signature of the notary public.

26 18-101.

27 (a) The Governor, on approval of the application by a Senator representing the
 28 senatorial district and subdistrict in which the applicant resides OR ON APPROVAL BY
 29 ANY SENATOR IF THE SENATORIAL OFFICE REPRESENTING THE SENATORIAL
 30 DISTRICT AND SUBDISTRICT IN WHICH THE APPLICANT RESIDES IS VACANT, may
 31 appoint and commission individuals as notaries public as provided in this title.

32 (b) (1) The Governor, on approval of the application by the Secretary of
 33 State and a member of the Senate of Maryland, shall appoint and commission
 34 out-of-state individuals as notaries public as provided in this article.

1 (2) An out-of-state notary shall be deemed to have irrevocably
2 appointed the Secretary of State as the notary's agent upon whom may be served any
3 summons, subpoena, subpoena duces tecum, or other process.

4 18-102.

5 Each individual appointed as a notary public shall:

6 (1) be at least 18 years old;

7 (2) be of good moral character and integrity;

8 (3) live or work in the State; [and]

9 (4) if living in the State, be a resident of the senatorial district from
10 which appointed; AND

11 (5) IF LIVING OUTSIDE THE STATE, BE A RESIDENT OF A STATE THAT
12 ALLOWS MARYLAND RESIDENTS WORKING IN THAT STATE TO SERVE AS NOTARIES
13 PUBLIC IN THAT STATE.

14 18-103.

15 (a) (1) An application for original appointment as a notary public shall be
16 made on forms prepared by the Secretary of State and shall be sworn to by the
17 applicant.

18 (2) An application by a resident of the State shall bear or be accompanied
19 by the written approval of a Senator representing the senatorial district and
20 subdistrict in which the applicant resides OR, IF THAT OFFICE IS VACANT, BY ANY
21 SENATOR'S WRITTEN APPROVAL.

22 (3) An application by an out-of-state individual shall bear or be
23 accompanied by the written approval of a Maryland State Senator.

24 (4) Completed applications shall be filed with the Secretary of State.

25 (e) (1) At the time the notice of appointment or the notice of renewal is
26 issued, the Secretary of State shall forward to the clerk of the circuit court of the
27 county in which the notary resides or in the case of a notary who lives out-of-state, to
28 the clerk of the circuit court in the county where the notary is to qualify, a commission
29 signed by the Governor and Secretary of State under the great seal of the State.

30 (2) The clerk of the court shall deliver the commission to the notary upon
31 qualification and payment of the prescribed fees by the notary.

32 (3) Each notary shall pay to the clerk:

33 (i) a fee of \$1 for qualifying the notary and registering the name,
34 address, and commission expiration date of the notary; and

1 (ii) a fee of \$10 or a lesser amount as prescribed by the Secretary of
2 State for the commission issued.

3 (4) The fee shall be paid by the clerk to the Treasury of the State.

4 (5) The Secretary of State may fix other reasonable fees as required for
5 the processing of applications and the issuance and renewal of notarial commissions
6 AND MAY CHARGE A REASONABLE FEE NOT EXCEEDING \$25 FOR CHECKS RETURNED
7 FOR INSUFFICIENT FUNDS.

8 (6) (I) 1. EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II) OF
9 THIS PARAGRAPH, IF A PAYMENT OF A FEE UNDER THIS SECTION IS MADE BY A
10 CHECK OR OTHER NEGOTIABLE INSTRUMENT THAT IS DISHONORED, THE
11 COMMISSION SHALL BE REVOKED BY OPERATION OF LAW.

12 2. THE REVOCATION IS EFFECTIVE BEGINNING ON THE ~~30TH~~
13 60TH DAY AFTER THE DAY ON WHICH THE NOTICE IS SENT IN ACCORDANCE WITH
14 SUBPARAGRAPH (II) OF THIS PARAGRAPH.

15 (II) WHEN THE SECRETARY OF STATE RECEIVES NOTICE THAT A
16 CHECK OR OTHER NEGOTIABLE INSTRUMENT, GIVEN BY AN APPLICANT IN PAYMENT
17 OF A FEE UNDER THIS SECTION HAS BEEN DISHONORED, THE SECRETARY SHALL
18 INFORM THE APPLICANT, BY REGULAR MAIL, SENT TO THE LAST HOME ADDRESS THE
19 APPLICANT HAS GIVEN TO THE SECRETARY, THAT THE COMMISSION WILL BE
20 REVOKED BY OPERATION OF LAW IF WITHIN ~~30~~ 60 DAYS AFTER THE DATE OF THE
21 NOTICE THE APPLICANT FAILS TO MAKE PAYMENT OF THE FEE AND ANY LATE
22 CHARGE, OR FAILS TO PROVIDE EVIDENCE THAT THE NOTICE OF DISHONOR WAS IN
23 ERROR.

24 (III) THE REMOVAL OF A NOTARY PUBLIC FROM OFFICE UNDER
25 THIS PARAGRAPH IS NOT SUBJECT TO THE PROVISIONS APPLICABLE TO REMOVAL
26 UNDER § 18-104 OF THIS TITLE.

27 18-114.

28 (A) SUBJECT TO § 10-617(J) OF THIS ARTICLE, THE SECRETARY OF STATE MAY
29 PROVIDE LISTS OF PUBLIC INFORMATION IN ITS RECORDS TO THOSE PERSONS WHO
30 REQUEST THEM IF THE SECRETARY OF STATE APPROVES OF THE PURPOSE FOR
31 WHICH THE INFORMATION IS REQUESTED.

32 (B) (1) THE SECRETARY OF STATE SHALL CHARGE A REASONABLE FEE, NOT
33 LESS THAN THE COST OF PREPARING THE LIST, FOR ANY LIST FURNISHED UNDER
34 THIS SECTION.

35 (2) THE SECRETARY OF STATE MAY CHARGE A REDUCED FEE TO
36 PERSONS REQUESTING A LIST FOR GOVERNMENTAL OR NOT-FOR-PROFIT
37 PURPOSES.

1 (C) A PERSON FURNISHED ANY INFORMATION UNDER THIS SECTION MAY NOT
2 DISTRIBUTE OR OTHERWISE USE THE INFORMATION FOR ANY PURPOSE OTHER
3 THAN THAT FOR WHICH IT WAS FURNISHED.

4 (D) THE SECRETARY OF STATE MAY NOT DISCLOSE INFORMATION UNDER
5 THIS SECTION FOR USE IN TELEPHONE SOLICITATIONS AS DEFINED IN ~~§ 6-111(H)~~ §
6 10-611(H) OF THIS ARTICLE.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
8 effect October 1, 2000.