

SB0678/658472/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 678
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “acts;” insert “providing that a certain notice and hearing opportunity is not required to be given to certain applicants regarding a certain matter;”; in line 14, after “travel;” insert “altering the authority of the Secretary of State to set by regulation certain fees; authorizing the Secretary of State to publish certain information;”; in line 25, after “performed” insert “except under certain circumstances”; in lines 27 and 28, strike “and stamping device are” and substitute “is a”; in line 28, strike “seals” and substitute “seal”; and in the same line, after “law;” insert “providing that a notary public’s stamping device is a public seal;”.

On page 2, in line 14, after “title;” insert “altering the circumstances under which a certain notary public may serve as a certain witness;”; in line 20, after “date;” insert “providing for a delayed effective date;”; and after line 20, insert:

“BY repealing and reenacting, with amendments,

Article - Estates and Trusts

Section 17-110(b)

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 41, insert:

“Article – Estates and Trusts

17–110.

(Over)

SB0678/658472/1 Judicial Proceedings Committee
Amendments to SB 678
Page 2 of 5

(b) The notary public before whom the principal acknowledges the power of attorney may also serve as one of the two or more adult witnesses **UNLESS THE NOTARY PUBLIC IS USING COMMUNICATION TECHNOLOGY UNDER § 18-214 OF THE STATE GOVERNMENT ARTICLE TO PERFORM THE NOTARIAL ACT FOR A REMOTELY LOCATED PRINCIPAL.**”.

On page 11, in line 30, strike “**OF**” and substitute “**OR**”.

On page 18, in line 23, strike “**A**” and substitute “**EXCEPT FOR A NOTARIAL ACT BEING PERFORMED WITH RESPECT TO A WILL, AS DEFINED IN § 1-101 OF THE ESTATES AND TRUSTS ARTICLE, OR A TRUST INSTRUMENT, AS DEFINED IN § 14.5-103 OF THE ESTATES AND TRUSTS ARTICLE, A**”.

AMENDMENT NO. 3

On page 3, in line 4, strike “**TO**” and substitute “**SUBJECT TO § 18-104 OF THIS SUBTITLE, TO**”.

On page 5, in line 3, strike “After” and substitute “**SUBJECT TO SUBSECTION (C) OF THIS SECTION, AFTER**”; in line 10, strike “The” and substitute “**SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE**”; and after line 13, insert:

“(C) NOTICE AND THE OPPORTUNITY FOR A HEARING UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION ARE NOT REQUIRED TO BE GIVEN TO AN APPLICANT FOR AN INITIAL COMMISSION AS A NOTARY PUBLIC REGARDING THE DENIAL OF THE COMMISSION.”;

and in lines 14, 16, and 22, strike “(c)”, “(d)”, and “(E)”, respectively, and substitute “(D)”, “(E)”, and “(F)”, respectively.

SB0678/658472/1 Judicial Proceedings Committee
Amendments to SB 678
Page 3 of 5

On page 7, in line 22, after “(b)” insert “**(1)**”; in the same line, strike “A” and substitute “**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A**”; in line 24, strike “, or a higher amount set by regulation of the Secretary of State,”; and after line 26, insert:

“(2) (I) THE SECRETARY OF STATE MAY SET BY REGULATION A DIFFERENT AMOUNT THAT A NOTARY PUBLIC MAY CHARGE UNDER PARAGRAPH (1) OF THIS SUBSECTION.

“(II) AN AMOUNT SET UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY EXCEED THE AMOUNT ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION.”.

On page 8, in line 7, after “(a)” insert “**(1)**”; and after line 9, insert:

“(2) (I) THE SECRETARY OF STATE MAY PUBLISH INFORMATION RELATING TO THE STATUS OF THE COMMISSION OF A NOTARY PUBLIC OR FORMER NOTARY PUBLIC, INCLUDING THE DATE OF COMMENCEMENT AND EXPIRATION OF ANY SUSPENSION, NONRENEWAL, OR REVOCATION OF THE COMMISSION.

“(II) THE DISCLOSURE OF INFORMATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS DEEMED COMPLIANT WITH § 4-332(B)(4) OF THE GENERAL PROVISIONS ARTICLE.”.

On page 11, in line 23, strike “**2019**” and substitute “**2020**”.

On page 15, in line 2, after “MAY” insert “**APPEAR BEFORE THE NOTARIAL OFFICER AND**”; in the same line, strike “AN” and substitute “**ANOTHER**”; in the same

(Over)

**SB0678/658472/1 Judicial Proceedings Committee
Amendments to SB 678
Page 4 of 5**

line, after “OFFICER” insert “WHO IS CONCURRENTLY APPEARING WITH THE INDIVIDUAL BEFORE THE NOTARIAL OFFICER”.

On page 19, in line 16, after “BEHALF” insert “AND AT THE DIRECTION”.

On page 20, after line 20, insert:

“(2) A GUARDIAN, A CONSERVATOR, OR AN AGENT OF A NOTARY PUBLIC OR PERSONAL REPRESENTATIVE OF A DECEASED NOTARY PUBLIC WHO ASSUMES AUTHORITY OVER AUDIO-VISUAL RECORDINGS CREATED UNDER SUBSECTION (A)(3) OF THIS SECTION SHALL:

(I) NOTIFY THE SECRETARY OF STATE WITHIN 30 DAYS AFTER ASSUMING AUTHORITY; AND

(II) COMPLY WITH ALL REQUIREMENTS IN THIS SUBTITLE REGARDING THE MAINTENANCE AND STORAGE OF THE AUDIO-VISUAL RECORDINGS.”;

and in line 21, strike “(2)” and substitute “(3)”.

On page 21, in line 26, strike “SECRETARY OF STATE” and substitute “CLERK OF THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE NOTARY PUBLIC RESIDES OR WAS QUALIFIED”.

On page 25, in line 15, after “JURISDICTION,” insert “AND”; in lines 15 and 16, strike “, AND COUNTY OF RESIDENCE; AND” and substitute a semicolon; after line 16, insert:

SB0678/658472/1 Judicial Proceedings Committee
Amendments to SB 678
Page 5 of 5

“(II) THE COUNTY IN WHICH THE NOTARY PUBLIC RESIDES OR WAS QUALIFIED; AND”;

in line 17, strike **“(II)”** and substitute **“(III)”**; and in lines 25 and 26, strike **“FOR PURPOSES OF § 8-607 OF THE CRIMINAL LAW ARTICLE”**.

On page 28, in line 9, after **“MAY”** insert **“:**

(1);

in lines 10 and 15, in each instance, strike **“THE SECRETARY OF STATE OR”**; in line 11, after **“STATE”** insert **“; OR**

(2) STORE THE JOURNAL IN ANY OTHER MANNER AS APPROVED BY THE SECRETARY OF STATE IN REGULATIONS”;

in line 15, after **“SHALL”** insert **“:**

(1);

and in line 16, after **“STATE”** insert **“; OR**

(2) STORE THE JOURNAL IN ANY OTHER MANNER AS REQUIRED OR APPROVED BY THE SECRETARY OF STATE IN REGULATIONS”.

On page 37, in line 12, strike **“2019”** and substitute **“2020”**.