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February 6th, 2024

Senate Judicial Proceedings Committee

OSOS Departmental - Favorable

Senate Bill 280 – Notarial Acts – Protest Form Requirement - Repeal

Senate Bill 280 is a very straightforward bill. To avoid confusion, we remove reference to a form in code that does not exist. The purpose of a protest and what it is supposed to accomplish is already available in the law. For the past half century at least, we have not had a form for the process in Maryland.

Comm Law § 3-505, Md. Ann. Code: "(b) A protest is a certificate of dishonor made by a United States consul or vice consul, or a notary public or other person authorized to administer oaths by the law of the place where dishonor occurs. It may be made upon information satisfactory to that person. The protest must identify the instrument and certify either that presentment has been made or, if not made, the reason why it was not made, and that the instrument has been dishonored by nonacceptance or nonpayment. The protest may also certify that notice of dishonor has been given to some or all parties."

This legislation was at the request of the Comptroller's Office, who is currently charged with the form in statute, even though the Office of the Secretary of State (OSOS) regulates notaries. Upon their initial request to transfer the responsibility to our office, we suggested eliminating the reference to the form completely since it doesn't exist and is confusing for those who may seek to perform a notarial act called a protest. Upon further research a specific form for conducting a protest is exceedingly rare and provides us with no utility. The current section of code merely confuses constituents.

Therefore, this is a simple bill to remove reference to a form that does not exist in practice and is not required or helpful for our office to regulate notaries.

For these reasons, the OSOS respectfully requests a favorable report on Senate Bill 280.