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HB 643/95 - CGM

1996 Regular Session
6lr1682

By: Delegate Kittleman

Introduced and read first time: February 2, 1996

Assigned to: Ways and Means

Reassigned: Commerce and Government Matters, February 5, 1996

Committee Report: Favorable

House action: Adopted

Read second time: March 15, 1996

CHAPTER ____

1 AN ACT concerning

2 **Notaries Public - Qualifications, Application Procedure, and Appointment**

3 FOR the purpose of repealing certain requirements for senatorial approval of notary
4 public applications; repealing a certain residence requirement for a notary public
5 who lives in the State; requiring an applicant to obtain a notary public application
6 only from the Secretary of State; prohibiting a notary public applicant from using
7 certain photocopies or other reproductions for a certain purpose; and generally
8 relating to notaries public.

9 BY repealing and reenacting, with amendments,
10 Article 68 - Notaries Public
11 Section 1
12 Annotated Code of Maryland
13 (1995 Replacement Volume)

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

16 **Article 68 - Notaries Public**

17 1.

18 (a) (1) The Governor[, on approval of the application by a senator representing
19 the senatorial district and subdistrict in which the applicant resides,] shall appoint and
20 commission in his discretion and judgment any number of persons as notaries public, as
21 provided herein.

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1 (2) The Governor, on approval of the application by the Secretary of State,
2 shall appoint and commission out-of-state individuals as notaries public, as provided in
3 this article.

4 (b) (1) [Every] EACH person appointed shall be at least 18 years of age, of
5 good moral character and integrity, AND live or work in this State[, and if living in this
6 State, be a resident of the senatorial district from which he or she isappointed].

7 (2) An out-of-state notary public shall be deemed to have irrevocably
8 appointed the Secretary of State as his or her agent upon whom may be served any
9 summons, subpoena, subpoena duces tecum, or other process.

10 (c) [Applications for original appointment as a notary public shall be made on
11 forms prepared by the Secretary of State and shall be sworn to by the applicant, and must
12 bear thereon or be accompanied by the written approval of a senator representing the
13 senatorial district and subdistrict in which the applicant resides. An out-of-state
14 individual shall make an application for original appointment as a notary public as
15 described above through a Maryland State Senator. Completed applications shall be filed
16 with the Secretary of State. When the appointment is made by the Governor, the
17 Secretary of State shall so notify the applicant.]

18 (1) AN APPLICANT FOR AN ORIGINAL APPOINTMENT AS A NOTARY
19 PUBLIC:

20 (I) SHALL APPLY FOR AND SWEAR TO AN APPLICATION ON FORMS
21 THAT THE SECRETARY OF STATE PREPARES;

22 (II) SHALL OBTAIN AN APPLICATION ONLY FROM THE SECRETARY
23 OF STATE;

24 (III) MAY NOT USE AS AN APPLICATION A PHOTOCOPY OR OTHER
25 REPRODUCTION OF AN APPLICATION OBTAINED FROM A SOURCE OTHER THAN THE
26 SECRETARY OF STATE; AND

27 (IV) SHALL SUBMIT THE COMPLETED APPLICATION TO THE
28 SECRETARY OF STATE.

29 (2) AFTER THE GOVERNOR APPOINTS THE APPLICANT, THE SECRETARY
30 OF STATE SHALL NOTIFY THE APPLICANT OF THE APPOINTMENT.

31 (d) (1) The term of a notary public commission is 4 years.

32 (2) The Secretary of State shall adopt, by regulation, a staggered system for
33 the expiration and renewal of notary public commissions.

34 (e) Notary public commissions may be renewed from term to term, and the
35 Secretary of State shall issue an application of renewal to the notary public at or prior to
36 the expiration of the term of the existing commission. Upon receipt of a satisfactory
37 application of renewal from the notary public, the Secretary shall issue notice of renewal
38 to the notary public. Within thirty (30) days after the issuance by the Secretary of State of
39 notice of appointment or renewal the notary public shall qualify before the appropriate
40 clerk of the court and pay the fees herein prescribed. An out-of-state individual
41 commissioned as a notary public shall qualify before the clerk of the circuit court in any

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1 county or Baltimore City and pay the fees prescribed. The appointment and commission
2 of any notary public who fails to qualify and pay the fees within said time shall stand
3 revoked, and in such case the court clerk shall return the commission of the notary public
4 to the Secretary of State with a certification that the notary public failed to qualify and
5 pay the fees within the required time, but the Secretary of State for good cause shown
6 may reinstate the appointment and commission.

7 (f) At the time the notice of appointment by the Governor or the notice of
8 renewal is issued, the Secretary of State shall forward to the clerk of the circuit court of
9 the county in which the notary public resides or in the case of the notary public who lives
10 out-of-state, to the clerk of the circuit court in the county or Baltimore City where the
11 notary is to qualify, a commission signed by the Governor and Secretary of State under
12 the great seal of the State. The clerk of the court shall deliver the commission to the
13 notary public upon qualification and payment of the prescribed fees by the notary public.
14 Each notary public shall pay to the clerk a fee of one dollar (\$1.00) for qualifying the
15 notary public and registering the name, address, and commission expiration date of the
16 notary public, and a fee of ten dollars (\$10.00) or such lesser amount as may be
17 prescribed by the Secretary of State for the commission issued. The fee shall be paid by
18 the clerk to the treasury of the State of Maryland. The Secretary of State may fix such
19 other reasonable fees as may be required for the processing of applications and the
20 issuance and renewal of notarial commissions.

21 (g) The Secretary of State may prepare and adopt forms as required under this
22 section, including the form of original and renewal applications, the form of commissions,
23 and forms for renewal of commissions.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 1996.