

SENATE BILL 77

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1999 Regular Session
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(PRE-FILED)

By: **Chairman, Judicial Proceedings Committee (Departmental - Secretary of State)**

Requested: July 27, 1998

Introduced and read first time: January 13, 1999

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Notaries Public**

3 FOR the purpose of authorizing the Secretary of State to approve an application for a
4 notary public commission if the applicant resides in a senatorial district and
5 subdistrict for which the Senate office is vacant, or if the applicant resides in
6 another state; requiring the Secretary of the State Police, upon request of the
7 Secretary of State, to conduct criminal background checks of certain applicants
8 for notary public commissions; providing that a notary public commission may
9 only be issued to an individual living outside the State, if the individual's state
10 allows Maryland residents working in that state to serve as notaries public in
11 that state; providing that the Secretary of State may provide lists of certain
12 information in its notary records for a fee and under certain circumstances;
13 prohibiting a person from using lists provided under this Act for certain
14 purposes; and generally relating to notaries public.

15 BY repealing and reenacting, with amendments,
16 Article - State Government
17 Section 18-101 and 18-102
18 Annotated Code of Maryland
19 (1995 Replacement Volume and 1998 Supplement)

20 BY adding to
21 Article - State Government
22 Section 18-113
23 Annotated Code of Maryland
24 (1995 Replacement Volume and 1998 Supplement)

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

1

Article - State Government

2 18-101.

3 (a) The Governor, on approval of the application by a Senator representing the
4 senatorial district and subdistrict in which the applicant resides, OR ON APPROVAL
5 BY THE SECRETARY OF STATE IF THE SENATORIAL OFFICE IS VACANT, may appoint
6 and commission individuals as notaries public as provided in this title.

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

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

13 (C) UPON REQUEST OF THE SECRETARY OF STATE, THE SECRETARY OF THE
14 STATE POLICE SHALL CONDUCT A CRIMINAL BACKGROUND CHECK OF AN
15 INDIVIDUAL WHO MAY BE COMMISSIONED AS A NOTARY PUBLIC WITHOUT
16 SENATORIAL APPROVAL.

17 18-102.

18 Each individual appointed as a notary public shall:

19 (1) be at least 18 years old;

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

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

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

24 (5) IF LIVING OUTSIDE THE STATE, BE A RESIDENT OF A STATE WHICH
25 ALLOWS MARYLAND RESIDENTS WORKING IN THAT STATE TO SERVE AS NOTARIES
26 PUBLIC IN THAT STATE.

27 18-113.

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

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

1 (2) THE SECRETARY OF STATE MAY CHARGE A REDUCED FEE TO A
2 PERSON REQUESTING A LIST FOR A GOVERNMENTAL OR NOT-FOR-PROFIT PURPOSE.

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

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
7 effect October 1, 1999.