

SENATE BILL 93

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1999 Regular Session  
9lr0564

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By: **Senator Della**  
Introduced and read first time: January 18, 1999  
Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Notaries - Appointment and Removal**

3 FOR the purpose of altering the appointment and removal procedures of notaries  
4 public licensed in the State; repealing the authority of members of the Senate of  
5 Maryland to approve the appointment and request the removal of notaries  
6 public; authorizing the Secretary of State to approve the appointment and  
7 request the removal of notaries public; and generally relating to the  
8 appointment and removal of notaries public.

9 BY repealing and reenacting, with amendments,  
10 Article - State Government  
11 Section 18-101 through 18-104  
12 Annotated Code of Maryland  
13 (1995 Replacement Volume and 1998 Supplement)

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

16 **Article - State Government**

17 18-101.

18 (a) The Governor, on approval of the application by [a senator representing  
19 the senatorial district and subdistrict in which the applicant resides] THE  
20 SECRETARY OF STATE, may appoint and commission individuals as notaries public as  
21 provided in this title.

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

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

1 18-102.

2 Each individual appointed as a notary public shall:

- 3 (1) be at least 18 years old;
- 4 (2) be of good moral character and integrity; AND
- 5 (3) live or work in the State[; and
- 6 (4) if living in the State, be a resident of the senatorial district from  
7 which appointed].

8 18-103.

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

12 (2) [An application by a resident of the State shall bear or be  
13 accompanied by the written approval of a senator representing the senatorial district  
14 and subdistrict in which the applicant resides.

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

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

18 (b) When the appointment is made by the Governor, the Secretary of State  
19 shall notify the applicant.

20 (c) (1) The term of a notary public commission is 4 years.

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

23 (d) (1) Notary public commissions may be renewed from term to term, and  
24 the Secretary of State shall issue an application of renewal to the notary public at or  
25 prior to the expiration of the term of the existing commission.

26 (2) On receiving of a satisfactory application of renewal from the notary,  
27 the Secretary shall issue a notice of renewal to the notary.

28 (3) Within 30 days after the issuance by the Secretary of State of a notice  
29 of appointment or renewal, the notary shall qualify before the appropriate clerk of the  
30 court and pay the fees prescribed in subsection (e) of this section.

31 (4) An out-of-state individual commissioned as a notary shall qualify  
32 before the clerk of the circuit court in any county or Baltimore City and pay the fees  
33 prescribed in subsection (e) of this section.

1 (5) The appointment and commission of any notary who fails to qualify  
2 and pay the fees within the time required under this subsection shall be revoked.

3 (6) If an appointment and commission is revoked under this subsection,  
4 the court clerk shall return the commission to the Secretary of State with a  
5 certification that the notary failed to qualify and pay the fees within the required  
6 time.

7 (7) The Secretary of State for good cause shown may reinstate the  
8 appointment and commission.

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

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

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

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

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

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

22 (5) The Secretary of State may fix other reasonable fees as required for  
23 the processing of applications and the issuance and renewal of notarial commissions.

24 (f) The Secretary of State may prepare and adopt forms as required under  
25 this section, including the form of original and renewal applications, the form of  
26 commissions, and forms for renewal of commissions.

27 18-104.

28 (a) (1) A notary public may be removed or suspended from office by the  
29 Governor for good cause either on the Governor's own initiative or on a request made  
30 to the Governor in writing by the [senator who approved the appointment]  
31 SECRETARY OF STATE OR THE SECRETARY OF STATE'S DESIGNEE.

32 (2) After notice to the notary and the opportunity for a hearing before  
33 the Secretary of State or the Secretary of State's designee, the Secretary of State shall  
34 submit a recommendation to the Governor for action as the Governor determines to be  
35 required in the case.

1 (b) (1) The Governor may delegate to the Secretary of State or the Assistant  
2 Secretary of State or both the authority to remove or suspend a notary from office  
3 under this section.

4 (2) The Secretary of State or Assistant Secretary of State shall give the  
5 notary notice and an opportunity for a hearing as provided in subsection (a) of this  
6 section, but is not required to submit a recommendation to the Governor before acting  
7 under this subsection.

8 (c) A hearing under this section is not a contested case under Title 10, Subtitle  
9 2 of the State Government Article.

10 (d) The notice and hearing opportunity under subsections (a) and (b) of this  
11 section is deemed satisfied if a letter informing the notary of the impending removal  
12 from office and hearing opportunity is mailed to the notary at the last address the  
13 notary has given to the Secretary of State, and the letter is returned to the Secretary  
14 of State by the United States Postal Service.

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