

SENATE BILL 74

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P1

2000 Regular Session  
0lr0127

(PRE-FILED)

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

Requested: November 15, 1999

Introduced and read first time: January 12, 2000

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Notaries Public**

3 FOR the purpose of authorizing any Senator to approve the issuance of a notary  
4 public commission if an applicant resides in a senatorial district and subdistrict  
5 for which the Senate office is vacant; providing that a notary public commission  
6 may only be issued to an individual living outside the State, if the individual's  
7 state allows a Maryland resident working in that state to serve as a notary  
8 public in that state; providing that the Secretary of State may provide lists of  
9 certain information in its records for a fee and under certain circumstances;  
10 authorizing the Secretary of State to charge a reasonable fee for checks returned  
11 for insufficient funds; authorizing the Secretary of State to revoke a notary  
12 public commission without a hearing under certain circumstances; requiring  
13 certain custodians of public records to permit inspection of certain notary  
14 information in their records; prohibiting the Secretary of State from disclosing  
15 certain information; and generally relating to notaries public.

16 BY repealing and reenacting, with amendments,  
17 Article - State Government  
18 Section 10-617(j)(2), 18-101, 18-102, and 18-103(a) and (e)  
19 Annotated Code of Maryland  
20 (1999 Replacement Volume)

21 BY adding to  
22 Article - State Government  
23 Section 18-114  
24 Annotated Code of Maryland  
25 (1999 Replacement Volume)

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

1

**Article - State Government**

2 10-617.

3 (j) (2) A custodian shall permit inspection of the part of a public record that  
4 gives:

5 (i) the name of the notary public;

6 (ii) the home address of the notary public;

7 (iii) THE HOME AND BUSINESS TELEPHONE NUMBERS OF THE  
8 NOTARY PUBLIC;

9 (IV) the issue and expiration dates of the notary public's  
10 commission;

11 [(iv)] (V) the date the person took the oath of office as a notary  
12 public; or

13 [(v)] (VI) the signature of the notary public.

14 18-101.

15 (a) The Governor, on approval of the application by a Senator representing the  
16 senatorial district and subdistrict in which the applicant resides OR ON APPROVAL BY  
17 ANY SENATOR IF THE SENATORIAL OFFICE REPRESENTING THE SENATORIAL  
18 DISTRICT AND SUBDISTRICT IN WHICH THE APPLICANT RESIDES IS VACANT, may  
19 appoint and commission individuals as notaries public as provided in this title.

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

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

26 18-102.

27 Each individual appointed as a notary public shall:

28 (1) be at least 18 years old;

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

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

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

1 (5) IF LIVING OUTSIDE THE STATE, BE A RESIDENT OF A STATE THAT  
2 ALLOWS MARYLAND RESIDENTS WORKING IN THAT STATE TO SERVE AS NOTARIES  
3 PUBLIC IN THAT STATE.

4 18-103.

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

8 (2) An application by a resident of the State shall bear or be accompanied  
9 by the written approval of a Senator representing the senatorial district and  
10 subdistrict in which the applicant resides OR, IF THAT OFFICE IS VACANT, BY ANY  
11 SENATOR'S WRITTEN APPROVAL.

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

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

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

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

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

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

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

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

28 (5) The Secretary of State may fix other reasonable fees as required for  
29 the processing of applications and the issuance and renewal of notarial commissions  
30 AND MAY CHARGE A REASONABLE FEE FOR CHECKS RETURNED FOR INSUFFICIENT  
31 FUNDS.

32 (6) (I) 1. EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II) OF  
33 THIS PARAGRAPH, IF A PAYMENT OF A FEE UNDER THIS SECTION IS MADE BY A  
34 CHECK OR OTHER NEGOTIABLE INSTRUMENT THAT IS DISHONORED, THE  
35 COMMISSION SHALL BE REVOKED BY OPERATION OF LAW.

1                               2.       THE REVOCATION IS EFFECTIVE BEGINNING ON THE 30TH  
2 DAY AFTER THE DAY ON WHICH THE NOTICE IS SENT IN ACCORDANCE WITH  
3 SUBPARAGRAPH (II) OF THIS PARAGRAPH.

4                               (II)       WHEN THE SECRETARY OF STATE RECEIVES NOTICE THAT A  
5 CHECK OR OTHER NEGOTIABLE INSTRUMENT, GIVEN BY AN APPLICANT IN PAYMENT  
6 OF A FEE UNDER THIS SECTION HAS BEEN DISHONORED, THE SECRETARY SHALL  
7 INFORM THE APPLICANT, BY REGULAR MAIL, SENT TO THE LAST HOME ADDRESS THE  
8 APPLICANT HAS GIVEN TO THE SECRETARY, THAT THE COMMISSION WILL BE  
9 REVOKED BY OPERATION OF LAW IF WITHIN 30 DAYS AFTER THE DATE OF THE  
10 NOTICE THE APPLICANT FAILS TO MAKE PAYMENT OF THE FEE AND ANY LATE  
11 CHARGE, OR FAILS TO PROVIDE EVIDENCE THAT THE NOTICE OF DISHONOR WAS IN  
12 ERROR.

13                              (III)       THE REMOVAL OF A NOTARY PUBLIC FROM OFFICE UNDER  
14 THIS PARAGRAPH IS NOT SUBJECT TO THE PROVISIONS APPLICABLE TO REMOVAL  
15 UNDER § 18-104 OF THIS TITLE.

16 18-114.

17       (A)       SUBJECT TO § 10-617(J) OF THIS ARTICLE, THE SECRETARY OF STATE MAY  
18 PROVIDE LISTS OF PUBLIC INFORMATION IN ITS RECORDS TO THOSE PERSONS WHO  
19 REQUEST THEM IF THE SECRETARY OF STATE APPROVES OF THE PURPOSE FOR  
20 WHICH THE INFORMATION IS REQUESTED.

21       (B)       (1)       THE SECRETARY OF STATE SHALL CHARGE A REASONABLE FEE, NOT  
22 LESS THAN THE COST OF PREPARING THE LIST, FOR ANY LIST FURNISHED UNDER  
23 THIS SECTION.

24                      (2)       THE SECRETARY OF STATE MAY CHARGE A REDUCED FEE TO  
25 PERSONS REQUESTING A LIST FOR GOVERNMENTAL OR NOT-FOR-PROFIT  
26 PURPOSES.

27       (C)       A PERSON FURNISHED ANY INFORMATION UNDER THIS SECTION MAY NOT  
28 DISTRIBUTE OR OTHERWISE USE THE INFORMATION FOR ANY PURPOSE OTHER  
29 THAN THAT FOR WHICH IT WAS FURNISHED.

30       (D)       THE SECRETARY OF STATE MAY NOT DISCLOSE INFORMATION UNDER  
31 THIS SECTION FOR USE IN TELEPHONE SOLICITATIONS AS DEFINED IN § 6-111(H) OF  
32 THIS ARTICLE.

33       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
34 effect October 1, 2000.