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## (PRE-FILED)

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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 9, 2000

CHAPTER

## 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
- 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;
- authorizing the Secretary of State to charge a reasonable fee for checks returned
- for insufficient funds; authorizing the Secretary of State to revoke a notary
- public commission without a hearing under certain circumstances; requiring
- certain custodians of public records to permit inspection of certain notary
- 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

1 2	Annotated Code of Maryland (1999 Replacement Volume)						
3	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:						
5	Article - State Government						
6	10-617.						
7 8	(j) (2) gives:	A custodian shall permit inspection of the part of a public record that					
9		(i)	the nam	e of the notary public;			
10		(ii)	the hom	e address of the notary public;			
11 12	NOTARY PUBLIC;	(iii)	THE HO	OME AND BUSINESS TELEPHONE NUMBERS OF THE			
13 14	commission;	(IV)	the issue	e and expiration dates of the notary public's			
15 16	public; or	[(iv)]	(V)	the date the person took the oath of office as a notary			
17		[(v)]	(VI)	the signature of the notary public.			
18	18-101.						
21 22	(a) The Governor, on approval of the application by a Senator representing the senatorial district and subdistrict in which the applicant resides OR ON APPROVAL BY ANY SENATOR IF THE SENATORIAL OFFICE REPRESENTING THE SENATORIAL DISTRICT AND SUBDISTRICT IN WHICH THE APPLICANT RESIDES IS VACANT, may appoint and commission individuals as notaries public as provided in this title.						
	(b) (1) The Governor, on approval of the application by the Secretary of State and a member of the Senate of Maryland, shall appoint and commission out-of-state individuals as notaries public as provided in this article.						
		ry of Sta	te as the	otary shall be deemed to have irrevocably notary's agent upon whom may be served any ecum, or other process.			
30	18-102.						
31	Each individual appointed as a notary public shall:						
32	(1)	be at lea	ıst 18 yea	rs old;			
33	(2)	be of go	od moral	character and integrity;			

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1	(3	3)	live or work in the State; [and]
2 3	(4 which appointed		if living in the State, be a resident of the senatorial district from
	(5 ALLOWS MAI PUBLIC IN TH	ŔYLAĬ	IF LIVING OUTSIDE THE STATE, BE A RESIDENT OF A STATE THAT NO RESIDENTS WORKING IN THAT STATE TO SERVE AS NOTARIES TATE.
7	18-103.		
	(a) (1 made on forms applicant.		An application for original appointment as a notary public shall be ed by the Secretary of State and shall be sworn to by the
13	subdistrict in w	approva	An application by a resident of the State shall bear or be accompanied al of a Senator representing the senatorial district and he applicant resides OR, IF THAT OFFICE IS VACANT, BY ANY EN APPROVAL.
15 16	(3 accompanied b		An application by an out-of-state individual shall bear or be written approval of a Maryland State Senator.
17	(4	·)	Completed applications shall be filed with the Secretary of State.
20 21	county in which the clerk of the	retary of the need to circuit	At the time the notice of appointment or the notice of renewal is of State shall forward to the clerk of the circuit court of the otary resides or in the case of a notary who lives out-of-state, to court in the county where the notary is to qualify, a commission or and Secretary of State under the great seal of the State.
23 24	(2 qualification ar		The clerk of the court shall deliver the commission to the notary upon ment of the prescribed fees by the notary.
25	(3	3)	Each notary shall pay to the clerk:
26 27	address, and co		(i) a fee of \$1 for qualifying the notary and registering the name, ion expiration date of the notary; and
28 29	State for the co		(ii) a fee of \$10 or a lesser amount as prescribed by the Secretary of ion issued.
30	(4	4)	The fee shall be paid by the clerk to the Treasury of the State.
33		of appl	The Secretary of State may fix other reasonable fees as required for lications and the issuance and renewal of notarial commissions E A REASONABLE FEE NOT EXCEEDING \$25 FOR CHECKS RETURNED FUNDS.
35 36	(6 THIS PARAGI	*	(I) 1. EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II) OF IF A PAYMENT OF A FEE UNDER THIS SECTION IS MADE BY A

- 1 CHECK OR OTHER NEGOTIABLE INSTRUMENT THAT IS DISHONORED, THE
- 2 COMMISSION SHALL BE REVOKED BY OPERATION OF LAW.
- 3 2. THE REVOCATION IS EFFECTIVE BEGINNING ON THE 30TH
- 4 60TH DAY AFTER THE DAY ON WHICH THE NOTICE IS SENT IN ACCORDANCE WITH
- 5 SUBPARAGRAPH (II) OF THIS PARAGRAPH.
- 6 (II) WHEN THE SECRETARY OF STATE RECEIVES NOTICE THAT A
- 7 CHECK OR OTHER NEGOTIABLE INSTRUMENT, GIVEN BY AN APPLICANT IN PAYMENT
- 8 OF A FEE UNDER THIS SECTION HAS BEEN DISHONORED. THE SECRETARY SHALL
- 9 INFORM THE APPLICANT, BY REGULAR MAIL, SENT TO THE LAST HOME ADDRESS THE
- 10 APPLICANT HAS GIVEN TO THE SECRETARY, THAT THE COMMISSION WILL BE
- 11 REVOKED BY OPERATION OF LAW IF WITHIN 30 60 DAYS AFTER THE DATE OF THE
- 12 NOTICE THE APPLICANT FAILS TO MAKE PAYMENT OF THE FEE AND ANY LATE
- 13 CHARGE, OR FAILS TO PROVIDE EVIDENCE THAT THE NOTICE OF DISHONOR WAS IN
- 14 ERROR.
- 15 (III) THE REMOVAL OF A NOTARY PUBLIC FROM OFFICE UNDER
- 16 THIS PARAGRAPH IS NOT SUBJECT TO THE PROVISIONS APPLICABLE TO REMOVAL
- 17 UNDER § 18-104 OF THIS TITLE.
- 18 18-114.
- 19 (A) SUBJECT TO § 10-617(J) OF THIS ARTICLE, THE SECRETARY OF STATE MAY
- 20 PROVIDE LISTS OF PUBLIC INFORMATION IN ITS RECORDS TO THOSE PERSONS WHO
- 21 REQUEST THEM IF THE SECRETARY OF STATE APPROVES OF THE PURPOSE FOR
- 22 WHICH THE INFORMATION IS REQUESTED.
- 23 (B) (1) THE SECRETARY OF STATE SHALL CHARGE A REASONABLE FEE, NOT
- 24 LESS THAN THE COST OF PREPARING THE LIST, FOR ANY LIST FURNISHED UNDER
- 25 THIS SECTION.
- 26 (2) THE SECRETARY OF STATE MAY CHARGE A REDUCED FEE TO
- 27 PERSONS REQUESTING A LIST FOR GOVERNMENTAL OR NOT-FOR-PROFIT
- 28 PURPOSES.
- 29 (C) A PERSON FURNISHED ANY INFORMATION UNDER THIS SECTION MAY NOT
- 30 DISTRIBUTE OR OTHERWISE USE THE INFORMATION FOR ANY PURPOSE OTHER
- 31 THAN THAT FOR WHICH IT WAS FURNISHED.
- 32 (D) THE SECRETARY OF STATE MAY NOT DISCLOSE INFORMATION UNDER
- 33 THIS SECTION FOR USE IN TELEPHONE SOLICITATIONS AS DEFINED IN § 6-111(H) OF
- 34 THIS ARTICLE.
- 35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
- 36 effect October 1, 2000.

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