

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE
Revised

Senate Bill 74 (Chairman, Judicial Proceedings Committee)
(Departmental - Secretary of State)

Judicial Proceedings

Notaries Public

This departmental bill: (1) authorizes any senator to approve the issuance of a notary public commission if the applicant seeking commission resides in a district where the senate office is vacant; (2) requires that notaries public live in Maryland or in a state that allows Maryland residents to serve as notaries; (3) adds notaries' home and business telephone numbers to the information available for public access and confirms that the Secretary of State may provide lists of notaries to the public and charge fees for the lists; (4) authorizes the Secretary of State to collect a fee of up to \$25 for checks returned for insufficient funds; and (5) revokes by operation of law the commission of a notary public when the applicant fails to reconcile all fees within 60 days of notice of a dishonored check being sent by the Secretary of State.

Fiscal Summary

State Effect: Minimal increase in revenues for the collection of fees for bad checks. The provisions of the bill authorizing fees for the preparation of lists codify current practice.

Local Effect: None.

Small Business Effect: The Secretary of State has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Current Law: A notary public commission cannot be authorized in a district where the senate office is vacant, and a notary's home and business phone numbers are not required parts of the public record. Notaries must live or work in Maryland; if living in Maryland, they must be residents of the senatorial district from which they were appointed. No provisions exist whereby notaries can be charged for returned checks.

Background: The Secretary of State advises that these additions and alterations to the Notaries Public Code would expedite the issuance of commissions for individuals who have no State senator and would assist Maryland citizens in obtaining notary services. The provision requiring residents of other states to live in a state that allows Maryland residents to act as notaries is an attempt to persuade Pennsylvania lawmakers to allow Maryland citizens who work in the commonwealth to act as notaries there. Pennsylvania is the only state neighboring Maryland that does not submit to this type of reciprocal arrangement.

State Revenues: The Secretary of State receives approximately 15 returned checks from notary applicants per year. The bill allows for a fee of up to \$25. If the full fee was imposed, the Secretary of State would collect approximately \$375 per year for returned checks. The fee and the threat of commission revocation are efforts to recoup the losses associated with bad checks.

The Secretary of State currently charges fees for lists of public notaries, and therefore, these fees do not represent new revenue.

Additional Information

Prior Introductions: A departmental bill with some similar provisions was introduced in the 1999 session as SB 77. The bill received an unfavorable report from the Senate Judicial Proceedings Committee.

Cross File: None.

Information Source(s): Secretary of State, Department of Legislative Services

Fiscal Note History: First Reader - January 25, 2000
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