

# SENATE BILL 167

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By: **Senator Simonaire**

Introduced and read first time: January 18, 2016

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Notaries Public – Online Application System**

3 FOR the purpose of authorizing an individual to apply for an original appointment as a  
4 notary public and to renew an existing notary public commission through an online  
5 notary public application system; authorizing the Secretary of State to establish and  
6 operate an online notary public application system that allows an individual to apply  
7 for an original appointment as a notary public and to renew an existing notary public  
8 commission; requiring that certain information be included on an online notary  
9 public application; requiring an individual who applies for an original appointment  
10 or to renew an existing commission through the online notary public application  
11 system to provide certain information and make a certain affirmation; requiring the  
12 Secretary to verify that certain information provided by an applicant is consistent  
13 with information on the individual's driver's license or identification card and to take  
14 certain additional measures; authorizing the Secretary to adopt certain regulations;  
15 and generally relating to online notary public applications.

16 BY repealing and reenacting, with amendments,  
17 Article – State Government  
18 Section 18–103  
19 Annotated Code of Maryland  
20 (2014 Replacement Volume and 2015 Supplement)

21 BY adding to  
22 Article – State Government  
23 Section 18–103.1  
24 Annotated Code of Maryland  
25 (2014 Replacement Volume and 2015 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – State Government**

2 18–103.

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

6 **(II) AN INDIVIDUAL MAY APPLY FOR AN ORIGINAL**  
7 **APPOINTMENT AS A NOTARY PUBLIC THROUGH THE ONLINE NOTARY PUBLIC**  
8 **APPLICATION SYSTEM AS PROVIDED IN § 18–103.1 OF THIS TITLE.**

9 (2) (i) Except as provided in subparagraph (ii) of this paragraph, an  
10 application by a resident of the State shall bear or be accompanied by the written approval  
11 of a Senator representing the senatorial district and subdistrict in which the applicant  
12 resides or, if that office is vacant, by any Senator’s written approval.

13 (ii) If a Senator has delegated approval authority under § 18–101 of  
14 this title, the application shall bear or be accompanied by the written approval of the  
15 Secretary of State.

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

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

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

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

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

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

27 **(II) THE APPLICATION OF RENEWAL MAY BE COMPLETED**  
28 **ELECTRONICALLY AS PROVIDED IN § 18–103.1 OF THIS TITLE.**

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

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

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

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

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

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

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

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

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

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

24                  (ii)    a fee of \$11 or a lesser amount as prescribed by the Secretary of  
25 State for the commission issued.

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

27          (5)     The Secretary of State may fix other reasonable fees as required for the  
28 processing of applications and the issuance and renewal of notarial commissions and may  
29 charge a reasonable fee not exceeding \$25 for checks returned for insufficient funds.

30          (6)     (i)     1.     Except as provided under subparagraph (ii) of this  
31 paragraph, if a payment of a fee under this section is made by a check or other negotiable  
32 instrument that is dishonored, the commission shall be revoked by operation of law.

33                                 2.     The revocation is effective beginning on the 60th day after  
34 the day on which the notice is sent in accordance with subparagraph (ii) of this paragraph.

1 (ii) When the Secretary of State receives notice that a check or other  
2 negotiable instrument, given by an applicant in payment of a fee under this section has  
3 been dishonored, the Secretary shall inform the applicant, by regular mail, sent to the last  
4 home address the applicant has given to the Secretary, that the commission will be revoked  
5 by operation of law if within 60 days after the date of the notice the applicant fails to make  
6 payment of the fee and any late charge, or fails to provide evidence that the notice of  
7 dishonor was in error.

8 (iii) The removal of a notary public from office under this paragraph  
9 is not subject to the provisions applicable to removal under § 18–104 of this title.

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

13 **18–103.1.**

14 (A) (1) **THE SECRETARY OF STATE MAY ESTABLISH AND OPERATE AN**  
15 **ONLINE NOTARY PUBLIC APPLICATION SYSTEM THAT ALLOWS AN INDIVIDUAL TO**  
16 **ELECTRONICALLY FILE AN APPLICATION:**

17 (I) **FOR AN ORIGINAL APPOINTMENT AS A NOTARY PUBLIC; OR**

18 (II) **TO RENEW AN EXISTING NOTARY PUBLIC COMMISSION.**

19 (2) **AN ONLINE NOTARY PUBLIC APPLICATION SHALL INCLUDE ALL**  
20 **OF THE INFORMATION AND REQUIRED FIELDS THAT ARE INCLUDED ON THE PAPER**  
21 **APPLICATION.**

22 (B) **TO APPLY FOR AN ORIGINAL APPOINTMENT AS A NOTARY PUBLIC OR TO**  
23 **RENEW AN EXISTING NOTARY PUBLIC COMMISSION THROUGH THE ONLINE NOTARY**  
24 **PUBLIC APPLICATION SYSTEM, AN INDIVIDUAL SHALL:**

25 (1) **COMPLETE THE ONLINE NOTARY PUBLIC APPLICATION; AND**

26 (2) **AFFIRM, SUBJECT TO THE PENALTIES OF PERJURY, THAT THE**  
27 **INFORMATION CONTAINED IN THE APPLICATION IS TRUE AND THAT THE INDIVIDUAL**  
28 **MEETS ALL OF THE QUALIFICATIONS TO BECOME OR REMAIN A NOTARY PUBLIC.**

29 (C) **THE SECRETARY OF STATE:**

30 (1) **SHALL VERIFY THAT PERSONAL INFORMATION PROVIDED BY AN**  
31 **INDIVIDUAL ON THE INDIVIDUAL’S ONLINE NOTARY PUBLIC APPLICATION IS**

1 CONSISTENT WITH THE INDIVIDUAL'S DRIVER'S LICENSE OR IDENTIFICATION CARD  
2 INFORMATION;

3 (2) SHALL TAKE ADDITIONAL MEASURES TO ENSURE THE INTEGRITY  
4 AND ACCURACY OF APPLICATIONS SUBMITTED THROUGH THE ONLINE NOTARY  
5 PUBLIC APPLICATION SYSTEM; AND

6 (3) MAY ADOPT ANY REGULATIONS NECESSARY TO ADMINISTER THE  
7 ONLINE NOTARY PUBLIC APPLICATION SYSTEM.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2016.