

SENATE BILL 360

P1
HB 661/20 – HGO

11r2281

By: **Senator Rosapepe**

Introduced and read first time: January 15, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Notaries Public – Notary Public Fund and Remote Notarial**
3 **Acts**

4 FOR the purpose of establishing the Notary Public Fund as a special, nonlapsing fund;
5 specifying the purpose of the Fund; requiring the Secretary of State to administer
6 the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to
7 account for the Fund; specifying the contents of the Fund; specifying the purpose for
8 which the Fund may be used; providing for the investment of money in and
9 expenditures from the Fund; requiring interest earnings of the Fund to be credited
10 to the Fund; exempting the Fund from a certain provision of law requiring interest
11 earnings of State money to accrue to the General Fund of the State; requiring the
12 Secretary of State to distribute certain fees to the Fund; defining a certain term; and
13 generally relating to notaries public.

14 BY repealing and reenacting, without amendments,
15 Article – State Finance and Procurement
16 Section 6–226(a)(2)(i)
17 Annotated Code of Maryland
18 (2015 Replacement Volume and 2020 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – State Finance and Procurement
21 Section 6–226(a)(2)(ii)122. and 123.
22 Annotated Code of Maryland
23 (2015 Replacement Volume and 2020 Supplement)

24 BY adding to
25 Article – State Finance and Procurement
26 Section 6–226(a)(2)(ii)124.
27 Annotated Code of Maryland
28 (2015 Replacement Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
 2 Article – State Government
 3 Section 18–103(e) and 18–108
 4 Annotated Code of Maryland
 5 (2014 Replacement Volume and 2020 Supplement)

6 BY adding to
 7 Article – State Government
 8 Section 18–109
 9 Annotated Code of Maryland
 10 (2014 Replacement Volume and 2020 Supplement)

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

13 **Article – State Finance and Procurement**

14 6–226.

15 (a) (2) (i) Notwithstanding any other provision of law, and unless
 16 inconsistent with a federal law, grant agreement, or other federal requirement or with the
 17 terms of a gift or settlement agreement, net interest on all State money allocated by the
 18 State Treasurer under this section to special funds or accounts, and otherwise entitled to
 19 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
 20 Fund of the State.

21 (ii) The provisions of subparagraph (i) of this paragraph do not apply
 22 to the following funds:

23 122. the Racing and Community Development Financing Fund;

24 [and]

25 123. the Racing and Community Development Facilities Fund;

26 AND

27 **124. THE NOTARY PUBLIC FUND.**

28 **Article – State Government**

29 18–103.

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

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

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

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

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

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

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

13 **(II) THE SECRETARY OF STATE SHALL DISTRIBUTE ANY FEES**
14 **COLLECTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH TO THE NOTARY**
15 **PUBLIC FUND ESTABLISHED UNDER § 18–109 OF THIS SUBTITLE.**

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

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

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

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

30 18–108.

31 (a) (1) Subject to § 4–332 of the General Provisions Article, the Secretary of
32 State may provide lists of public information in its records to those persons who request
33 them if the Secretary of State approves of the purpose for which the information is

1 requested.

2 (2) (i) The Secretary of State may publish information relating to the
3 status of the commission of a notary public or former notary public, including the date of
4 commencement and expiration of any suspension, nonrenewal, or revocation of the
5 commission.

6 (ii) The disclosure of information under subparagraph (i) of this
7 paragraph is deemed compliant with § 4-332(b)(4) of the General Provisions Article.

8 (b) (1) The Secretary of State shall charge a reasonable fee, not less than the
9 cost of preparing the list, for any list furnished under this section.

10 (2) The Secretary of State may charge a reduced fee to persons requesting
11 a list for governmental or not-for-profit purposes.

12 **(3) THE SECRETARY OF STATE SHALL DISTRIBUTE THE FEES**
13 **COLLECTED UNDER THIS SUBSECTION TO THE NOTARY PUBLIC FUND ESTABLISHED**
14 **UNDER § 18-109 OF THIS SUBTITLE.**

15 (c) A person furnished any information under this section may not distribute or
16 otherwise use the information for any purpose other than that for which it was furnished.

17 (d) The Secretary of State may not disclose information under this section for use
18 in telephone solicitations as defined in § 4-320(a) of the General Provisions Article.

19 **18-109.**

20 **(A) IN THIS TITLE, "FUND" MEANS THE NOTARY PUBLIC FUND.**

21 **(B) THERE IS A NOTARY PUBLIC FUND.**

22 **(C) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDING TO SUPPORT THE**
23 **ACTIONS OF THE SECRETARY OF STATE IN IMPLEMENTING, REGULATING,**
24 **ADMINISTERING, AND ENFORCING THIS TITLE.**

25 **(D) THE SECRETARY OF STATE SHALL ADMINISTER THE FUND.**

26 **(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
27 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

28 **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**
29 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

30 **(F) THE FUND CONSISTS OF:**

1 **(1) REVENUE DISTRIBUTED TO THE FUND UNDER §§ 18–103(E)(5)(II)**
2 **AND 18–108(B)(3) OF THIS SUBTITLE;**

3 **(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND**

4 **(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**
5 **THE BENEFIT OF THE FUND.**

6 **(G) THE FUND MAY BE USED ONLY TO COVER THE EXPENSES, INCLUDING**
7 **ADMINISTRATIVE EXPENSES, OF THE OFFICE OF THE SECRETARY OF STATE IN**
8 **CARRYING OUT THE DUTIES OF THE SECRETARY OF STATE UNDER THIS TITLE.**

9 **(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**
10 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

11 **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**
12 **THE FUND.**

13 **(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**
14 **WITH THE STATE BUDGET.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
16 1, 2021.