

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 212

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Secretary of State)

Judicial Proceedings

Health and Government Operations

State Government - Notaries Public - Official Stamp of a Notary Public

This departmental bill clarifies the information that must be included in the official stamp of a notary public. The bill repeals a requirement that the official stamp of a notary public include the notary public's "jurisdiction" and specifies that for a notary public who resides in the State, the official stamp must include the county in which the notary public resides. For a notary public who resides outside the State, the official stamp must include the county in which the notary public was qualified. **The bill takes effect July 1, 2021.**

Fiscal Summary

State Effect: The bill does not directly affect governmental operations or finances.

Local Effect: None.

Small Business Effect: The Secretary of State (SOS) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law: Chapter 407 of 2019, which took effect October 1, 2020, updated provisions relating to notary stamps and seals. The Act defines "official stamp" as a physical image affixed to or embossed on a tangible record or an electronic image attached to or logically associated with an electronic record. The official stamp of a notary public must include the notary public's name, jurisdiction, and office; the county in which the notary public resides or was qualified; and any other information required by SOS. In

addition, the Act requires an official stamp to be capable of being copied together with the record to which it is affixed or attached or with which it is logically associated. A notary public commissioned under State law must include in the notary public's official stamp or within a certificate of notarial act the expiration date of the notary public's commission. A notary public's official stamp is a public seal.

Prior to Chapter 407, State statute specified that the seal or stamp of a notary public must include the name, surname, and office of the notary and the notary's county of residence or, for an out-of-state notary, the county where the notary qualified.

Background: SOS, which commissions and regulates notaries public in the State, advises that the clarification is needed to ensure that notaries are not required to obtain new notary seals as a result of the changes enacted under Chapter 407. According to SOS, there are more than 90,000 notaries public in the State.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

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

Fiscal Note History: First Reader - January 9, 2021
rh/mcr Third Reader - February 2, 2021

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: State Government - Notaries Public - Official Stamp of a Notary Public

BILL NUMBER: SB 212

PREPARED BY: John C. Wobensmith, Secretary of State

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESSES

OR

WILL HAVE A MEANINGFUL ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS