

**Department of Legislative Services**  
Maryland General Assembly  
2022 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 82 (Delegate Holmes)  
Health and Government Operations

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**State Government - Notarial Acts - Fees**

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This bill increases the maximum fee that the Secretary of State (SOS) may establish for an original notarial act from \$4 to \$25.

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**Fiscal Summary**

**State Effect:** None. Fees for notary services are collected and kept by the notaries who provide the services. SOS can update regulations as necessary with existing budgeted resources.

**Local Effect:** None.

**Small Business Effect:** Potential meaningful for small businesses that provide notary services, as discussed below.

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**Analysis**

**Current Law:** SOS is responsible for adopting regulations to establish fees, not to exceed \$4, for an original notarial act. The Budget Reconciliation and Financing Act of 2013 (Chapter 425) increased the maximum fee SOS may establish for an original notarial act from \$2 to \$4.

Under current SOS regulations, a notary public may charge a fee of up to \$4 for the performance of an original notarial act or remote notarial act. When requested to notarize more than one copy of the same record, the notary may charge \$2 for notarizing each signature on the original or first copy of the record and \$1 for each signature on each additional copy of the same record, as specified. For reproductions of a notarized

record or an entry in the notary's journal by photocopying or other means, the notary may charge a fee of up to \$1 for each copy furnished.

In addition, a notary public may charge the prevailing rate for mileage established by the Internal Revenue Service for business travel per mile and a fee of up to \$5 as compensation for travel required for the performance of a notarial act.

**Small Business Effect:** The bill significantly increases, from \$4 to \$25, the maximum fee SOS may establish by regulation for an original notarial act. Small businesses that provide notary services benefit to the extent that SOS adopts regulations authorizing notaries public to charge higher fees for original notarial acts. Consequently, small businesses that obtain notary services may be subject to increased fees for original notarial acts. SOS advises that there are approximately 90,000 commissioned notaries in the State.

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### **Additional Information**

**Prior Introductions:** HB 1360 of 2021 was referred to the House Rules and Executive Nominations Committee, but no further action was taken.

**Designated Cross File:** None.

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

**Fiscal Note History:** First Reader - January 14, 2022  
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