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To: Members of the Senate Judicial Proceedings Committee
From: MLTA Legislative Committee
Date: February 7, 2022
Subject: **SB 317** – State Government – Notarial Acts – Fees and Use of Communication Technology
Position: **Support**

The Maryland Land Title Association (MLTA) supports Senate Bill 317 – State Government – Notarial Acts – Fees and Use of Communication Technology. The bill seeks to clarify some provisions in existing law and seeks to allow paper remote online notarizations. Existing law allows for remote online notarization with the record resulting in an electronic document. This bill will allow the resulting document to be in a tangible (i.e. paper) form but still require the protections afforded in connection with execution of documents remotely before a notary.

The proposed change to Government Code §18-107 will allow much needed relief for Maryland notaries so they may complete online notarizations without having to come out of pocket each time they complete one. The current fee allowed to be charged in connection with a remote online notarization is \$4. This allowable charge is set so low that no notary can do it without losing money each time. As such, Maryland consumers are forced to use out of state notaries to execute their documents because they can use an out of state notary as easily as an in-state notary. But the out of state notary is not subject to Maryland law or regulations promulgated by the Secretary of State. That is not good for Maryland consumers.

The proposed cap on the fee is set at \$50 but it is subject to regulations adopted by the Secretary of State. In other words, the Secretary of State will set the fee after consultation with notary stakeholders and conducting their own independent study to determine what a reasonable fee would be for a notary to charge. And it will allow the fee to be set without having to amend the statute every time the Secretary of State determines the fee should be adjusted. The same concept applies to in person notarial charges, but that cap is proposed to be \$25.

For these reasons, the MLTA **supports SB 317** and asks for a **favorable report**.