

Department of Legislative Services  
Maryland General Assembly  
2020 Session

**FISCAL AND POLICY NOTE**  
**Enrolled - Revised**

Senate Bill 636

(Senator Jennings)

Judicial Proceedings

Health and Government Operations

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**Maryland Revised Uniform Law on Notarial Acts – Requirements for  
Appointment as a Notary Public – Alterations**

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This bill delays the date – by one year, to October 1, 2021 – on or after which an initial or renewal applicant for appointment as a notary public in the State must meet the education and examination requirements established under Chapter 407 of 2019. Accordingly, the bill delays the date (to October 1, 2021) by which the Secretary of State (SOS) must regularly offer a course of study and an examination covering the laws, regulations, procedures, and ethics relevant to notarial acts, as required under Chapter 407.

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**Fiscal Summary**

**State Effect:** None. The FY 2021 budget includes \$198,000 for the addition of 3.5 new contractual positions and \$364,000 for contractual information technology services associated with the implementation of Chapter 407. Future year expenditures have already been accounted for in the fiscal and policy note for Senate Bill 678 of 2019 (enacted as Chapter 407).

**Local Effect:** None.

**Small Business Effect:** Minimal.

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**Analysis**

**Current Law:** Chapter 407 of 2019, which takes effect October 1, 2020, updates several provisions of law governing notaries public and notarial acts. Among other things, the Act alters requirements for appointment as a notary public. Specifically, the Act requires an initial applicant to have completed a course of study and passed an examination that covers

the laws, regulations, procedures, and ethics relevant to notarial acts. The Act similarly requires a renewal applicant to have completed the course; the examination requirement, however, does not apply to a renewal applicant. SOS must regularly offer the course of study and the examination, which may be offered through an entity approved by SOS.

In addition to altering requirements for appointment as a notary public, as discussed above, Chapter 407 authorizes a notary to perform electronic notarization and remote notarization under specified conditions, specifies restrictions on allowable acts by a notary public, and authorizes SOS to adopt regulations to implement various provisions of the bill, among other things. On March 30, 2020, following the recent proclamation of a state of emergency and catastrophic health emergency in response to the COVID-19 outbreak, the Governor issued an executive order temporarily authorizing remote notarizations (in advance of the October 1, 2020 effective date of Chapter 407).

Regulations adopted by SOS require each application for an original or renewal appointment as a notary public to be accompanied by a processing fee of \$9 payable to SOS.

**Background:** SOS advises that it does not expect to be prepared to implement the education and testing provisions of Chapter 407 by the current October 1, 2020 deadline, due to delays in the procurement of contractual education and testing services and the absence of additional staff. The delayed effect of the education and testing requirements in Chapter 407 will enable SOS to complete the necessary procurements and employ the additional contractual staff in the fiscal 2021 budget in order to fully implement the provisions.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Secretary of State; Judiciary (Administrative Office of the Courts); Office of Administrative Hearings; Department of Legislative Services

**Fiscal Note History:**  
rh/mcr

First Reader - February 19, 2020

Third Reader - March 13, 2020

Enrolled - April 2, 2020

Revised - Amendment(s) - April 2, 2020

Revised - Updated Information - April 2, 2020

Revised - Budget Information - April 2, 2020

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