

Title 01 EXECUTIVE DEPARTMENT

Subtitle 02 SECRETARY OF STATE

01.02.08 Notary Public: General Regulations

Authority: State Government Article, § 18-102, Annotated Code of Maryland

Notice of Final Action

[21-094-F]

On August 31, 2021, the Secretary of State adopted new Regulations **.13—.17** under **COMAR 01.02.08 Notary Public: General Regulations**. This action, which was proposed for adoption in 48:15 Md. R. 595—596 (July 16, 2021), has been adopted with the nonsubstantive changes shown below.

Effective Date: October 1, 2021.

Attorney General's Certification

In accordance with State Government Article, § 10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

COMAR 01.02.08.17: The proposed heading incorrectly included a reference to remote online notary vendor rather than notary public course of study and examination provider. This change is nonsubstantive as it deletes the reference to remote online notary vendor and adds notary public course of study and examination provider to accurately reflect the content of the regulation.

.17 Revocation of [[Remote Online Notary Vendor]] Notary Public Course of Study and Examination Provider Authorization.

(proposed text unchanged)

JOHN C. WOBENSMITH
Secretary of State

Title 01

EXECUTIVE DEPARTMENT

Subtitle 02 SECRETARY OF STATE

01.02.08 Notary Public: General Regulations

Authority: State Government Article, § 18-102, Annotated Code of Maryland

Notice of Proposed Action

[21-094-P]

The Secretary of State proposes to adopt new Regulations .13—.17 under **COMAR 01.02.08 Notary Public General Regulations**.

Statement of Purpose

The purpose of this action is to create standards for approving providers of a notary public course of study and examination. Beginning October 1, 2021, all new and renewing notary applicants will be required to take a course of study and all new notary applicants will be required to pass an examination under State Government Article, § 18-102(a), Annotated Code of Maryland. On or before October 1, 2021, the Secretary of State is required to regularly offer a course of study and examination that cover the laws, regulations, procedures, and ethics relevant to notarial acts. State Government Article, § 18-102(b). The course and examination may be offered through an entity approved by the Secretary of State. This proposed action establishes the qualifications, responsibilities, and standards required by the Secretary of State of providers of the notary public course and examination; and establishes a process for approving providers.

The proposed action ensures that approved providers offer a course of study and examination that is comprehensive in scope and covers all laws, regulations, procedures, and ethics relevant to notarial acts, and that includes the Handbook for Maryland Notaries Public. The proposed action also provides a mechanism by which the Secretary of State's Office may revoke approval of a provider of the course of study and examination for notaries public.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michael Schlein, Division Administrator, Secretary of State, 16 Francis Street, or call 410-260-3863, or email to michael.schlein@maryland.gov, or fax to 410-974-5527. Comments will be accepted through August 16, 2021. A public hearing has not been scheduled.

.13 Application for Authorization to Provide Notary Public Course of Study and Examination.

Each application shall include the following:

- A. Completed application form for Authorization to Provide Notary Public Course of Study and Examination;*
- B. Course material;*
- C. Instructions for completing the course of study and examination;*
- D. Draft examination questions; and*
- E. Any other documentation requested by the Office of the Secretary of State.*

.14 Qualifications of Notary Public Course of Study and Examination Provider.

To qualify as an authorized notary public course of study and examination provider by the Secretary of State, the provider shall meet the following criteria:

- A. Possess at least 3 years demonstrated experience and knowledge in the development and administration of a course of study and examination;*
- B. Demonstrate experience and knowledge interacting with learners subject to the laws, regulations, rules, or ethics required of a governmental entity; and*
- C. Demonstrate proficiency with the Maryland Notary Law, regulations, ethics, policies and procedures, as well as the Handbook for Maryland Notaries Public sufficient to respond to questions from participants.*

.15 Responsibilities of an Authorized Notary Public Course of Study and Examination Provider.

A. The provider shall design and offer a course of study and examination that meets the standards set forth in Regulation .16 of this chapter, and that is accessible by all Maryland notary public applicants and renewal applicants.

B. The provider shall create a bank of test questions within 45 days after being authorized by the Secretary of State to offer the course of study and examination.

C. The provider shall offer a virtual or in-person course of study. For purposes of this subsection, "virtual" includes a synchronous and asynchronous online course of study.

D. For every applicant who completes the course of study, the provider shall give each applicant a Certificate of Completion at the end of the course of study.

E. The provider shall give a Certificate of Passing to each applicant who scored at least 80 percent or better on the examination. For applicants who score below 80 percent, the provider shall provide an opportunity for the qualified applicants to retest. An applicant is considered qualified to retest if they completed the course of study but failed to score at least 80 percent on the examination.

F. Upon request by the Secretary of State's Office, authorized providers shall deliver the following information needed to verify who has completed a course of study and passed the examination:

(1) A list of Maryland notaries public and applicants who have completed a course of study and examination including the date or dates of the course and examination or examinations, as well as methods used to identify the notary public or applicant;

(2) The provider shall transmit applicant data in a timeframe as established by the Secretary of State's Office using a secure and mutually agreeable format; and

(3) The provider shall ensure that all course and examination data is accurate and valid prior to its secure, electronic transmission to the Secretary of State's Office.

G. The provider shall update the course of study and examination to reflect all changes to the notary law, regulations, procedures, and ethics within 60 days of being notified of the changes by the Office of the Secretary of State.

.16 Course of Study and Examination Standards.

A. The course of study shall include the Maryland Notary Public laws, regulations, ethics, procedures, and the Handbook for Maryland Notaries Public. Every topic shall be fully covered so each participant can comply with the aforementioned requirements.

B. The design of the examination shall offer each applicant a mix of questions of comparable difficulty to every other applicant and sourced from each of the sections in the Handbook for Maryland Notaries Public covering the laws, regulations, ethics, and procedures.

C. Instructions for the course and examination shall be comprehensive in scope and explain the requirements of education, how to apply for examinations, when examinations are given, the cost of the course of study and examination, and requirements for passing the examination. Instructions must notify the applicant how to access the current Handbook for Maryland Notaries Public.

D. Each question on the examination must be relevant to the requirements of the Maryland notary public laws, regulations, ethics, procedures, and/or Handbook for Maryland Notaries Public.

E. The provider shall have a robust bank of at least 50 different test questions so that repeat applicants do not receive a statistically sufficient number of previously attempted test questions.

F. The examination shall contain at least 20 questions that are clearly stated in a multiple-choice format, and each applicant must correctly answer at least 80 percent of the questions in order to be issued a Certificate of Passing under Regulation .15E of this chapter.

G. Each question on the examination shall contain 4 multiple-choice answers with only one correct answer.

H. If the provider provides applicants with an electronic examination format, providers shall provide applicants with a secure operating system capable of administering electronic examinations.

I. The testing system shall provide immediate scoring which notifies the applicant of passing or failure at the conclusion of the examination session.

.17 Revocation of Remote Online Notary Vendor Authorization.

The Secretary of State may revoke authorization of a notary public course of study and examination provider if the Secretary of State determines that the provider of the course of study and/or examination failed to comply with the qualifications, responsibilities, and standards set forth in Regulations .14—.16 of this chapter. Prior to revoking authorization, the Secretary of State or a designee may speak to the provider of the course of study and examination informally to determine if the provider meets the qualifications, responsibilities, and standards set forth in Regulations .14—.16 of this chapter.

JOHN C. WOBENSMITH
Secretary of State