

# Title 01

## EXECUTIVE DEPARTMENT

### Subtitle 02 SECRETARY OF STATE

#### 01.02.08 Notary Public General Regulations

Authority: State Government Article, §§18-103, 18-107, and 18-222, Annotated Code of Maryland

#### Notice of Proposed Action

[23-256-P]

The Secretary of State proposes to amend Regulations .02, .03, .09, and .10 under **COMAR 01.02.08 Notary Public: General Regulations**.

#### Statement of Purpose

The purpose of this action is to increase the fee notaries public may charge for the performance of notarial acts and remote notarial acts as recently authorized by the enactment of Ch. 715, Acts of 2022, and to increase the application processing fee that a notary public pays to complete their new or renewal application with the Secretary of State. The proposed action increases the fee from \$6 to \$8 for the performance of a notarial act and from \$25 to \$30 for the performance of a remote notarial act. The proposed action also allows the Secretary of State to charge an application fee of \$25 for a notary application. A notary is commissioned for a 4-year term. The increased application fee would be paid once every 4 years.

#### Estimate of Economic Impact

**I. Summary of Economic Impact.** The proposed action increases the amount of revenue received by the Notary Special Fund for the Charities and Legal Services Division. While the application fee, paid once every 4 years, will increase for an applicant, a notary will be able to charge more money to perform notarial duties, allowing the notary to make more money from performing notarial acts.

#### **II. Types of Economic Impact.**

Impacted Entity	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(R+)	Approximately \$224, 000
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
(1)	(-)	Unquantifiable
(2)	(+)	Unquantifiable
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

#### **III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

A. Currently, the notary application fee is \$9 per application. The change in notary regulations will allow the agency to collect \$25 per application. Last year the agency received approximately 14,000 notary applications; using that number, the agency projects it will increase revenue by approximately \$224,000 (\$16 more per application x 14,000 applications).

D(1) and (2). The economic impact is not quantifiable. While an applicant will need to pay more money per application once every 4 years, they will be able to charge more money per notarial act they perform once they become a notary public. This will allow the notary public to cover the increased cost of their application.

#### **Economic Impact on Small Businesses**

The proposed action has a meaningful economic impact on small businesses. An analysis of this economic impact follows:

Many small businesses provide notary public services. These regulatory changes allow notaries public to increase the fee for their services; however, the increased application fee will cause a notary to pay \$16 additional for their 4-year term as a notary. The increased notary fee should allow the notary to offset this increased application cost over their 4-year term.

#### **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, Charities and Legal Services Division, Office of the Secretary of State, 16 Francis Street, Annapolis, MD 21401, or call 410-260-3863, or email to michael.shclein@maryland.gov. Comments will be accepted through December 18, 2023. A public hearing has not been scheduled.

#### **.02 Charges and Fees**

A. A notary public may demand and receive a fee of no more than the following for the performance of an original notarial act:

- (1) [~~\$6~~] \$8 for the performance of a notarial act; or
- (2) [~~\$25~~] \$30 for the performance of a remote notarial act.

B. When a notary public is requested to notarize more than one copy of the same record, where the copy or copies have been signed at the same time by the same person or persons, the notary may demand and receive [~~\$6~~] \$8 for notarizing each signature on the original or first copy of the record, and may demand and receive [~~\$3~~] \$4 for each signature on each additional copy of the same record.

C.—E. (text unchanged)

**.03 Processing Fee.**

Each application for an original or renewal appointment as a notary public shall be accompanied by a processing fee of [~~\$9~~] \$25 payable to the Secretary of State.

**.09 Change in Name, Address, or Email Information.**

Notaries public are required to notify the Office of the Secretary of State within 30 days if, at any time during their commission, a notary public changes their:

A.—D. (text unchanged)

E. [~~Electronic~~] *Personal electronic* mail (email) address;

F. Business phone number; [or]

G. *Business address, if one was provided at the time of application;*

H. *Business electronic mail (email) address, if one was provided at the time of application; or*

[G.] I. (text unchanged)

**.10 Electronic Mail Communications.**

Effective January 1, 2021, and except for correspondence relating to enforcement actions, the Office of the Secretary of State will send all communications to notaries public using electronic mail only. Each notary public is responsible for ensuring the Office of the Secretary of State has a current and active *personal* email address.

SUSAN C. LEE  
Secretary of State