

SENATE BILL 678

P1, P3

9lr1461

By: **Senators Jennings, Beidle, Benson, Cassilly, Eckardt, Edwards, Elfreth, Feldman, Griffith, Guzzone, Hayes, Hershey, Kelley, Kramer, Lam, Lee, McCray, Patterson, Peters, Pinsky, Ready, Reilly, Salling, Serafini, Smith, Waldstreicher, West, and Zirkin**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Notarial Acts and Notaries Public**

3 FOR the purpose of altering the qualifications an individual must have to be appointed as
4 a notary public; requiring the Secretary of State regularly to offer a certain course of
5 study and examination; altering the types of actions the Governor may take against
6 a notary public applicant or notary public and the circumstances under which the
7 actions may be taken; altering the authority of the Governor to delegate certain acts;
8 altering the conditions under which a certain notice and hearing opportunity is
9 deemed satisfied; providing that action taken under certain provisions of this Act
10 does not preclude a person from seeking and obtaining certain other remedies;
11 altering the cap on the fee established by the Secretary of State for an original
12 notarial act; authorizing certain persons to charge a certain fee for the performance
13 of a certain notarial act; altering the fee a notary public may charge as compensation
14 for travel; providing for the application of certain provisions of this Act; authorizing
15 a notarial officer to perform certain notarial acts except under certain circumstances;
16 establishing the duties and authority of notarial officers with respect to the
17 performance of notarial acts; requiring that a certain individual personally appear
18 before a notarial officer under certain circumstances; providing that a notarial officer
19 has personal knowledge or satisfactory evidence of the identity of a certain individual
20 under certain circumstances; prohibiting certain individuals from charging a fee to
21 perform a notarial act; authorizing an individual to direct a certain individual to sign
22 the individual's name on a record under certain circumstances; providing that
23 notarial acts performed in certain other jurisdictions have the same effect under the
24 laws of this State under certain circumstances; providing for the manner in which
25 notarial acts for remotely located individuals are to be performed; requiring that
26 each notarial act be evidenced by a certificate; providing for the contents of notarial
27 certificates and official stamps; providing that a notary public's official stamp and
28 stamping device are public seals for purposes of certain provisions of law; requiring

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 a certain person to take certain actions with respect to a certain notary public's
 2 stamping device and journal; providing for the manner in which a notary public's
 3 journal is to be maintained; establishing certain prohibited acts; requiring a clerk of
 4 the circuit court to accept a certain copy of an electronic record for recording under
 5 certain provisions of law under certain circumstances; requiring the Secretary of
 6 State to maintain a certain electronic database; providing that, except under certain
 7 circumstances, the failure of a notarial officer to perform a duty or meet certain
 8 requirements does not invalidate a certain notarial act; authorizing the Secretary of
 9 State to adopt certain regulations; establishing requirements for identity proofing
 10 and credential analysis used by a notary public; requiring that, in applying and
 11 construing certain provisions of this Act, consideration be given to a certain need;
 12 providing that certain provisions of this Act modify, limit, and supersede certain
 13 provisions of federal law; providing that certain provisions of this Act do not modify,
 14 limit, or supersede certain provisions of federal law; establishing a certain short title;
 15 repealing certain provisions of law regarding notaries public and acknowledgments
 16 that are rendered obsolete by certain provisions of this Act; making conforming
 17 changes; defining certain terms; making a technical correction; providing that a
 18 commission as notary public in effect on a certain date continues to be in effect until
 19 its date of expiration; providing that this Act does not affect the validity or effect of
 20 a notarial act performed before a certain date; and generally relating to notarial acts.

21 BY repealing and reenacting, with amendments,

22 Article – State Government

23 Section 18–102, 18–103(d)(4), 18–104, 18–109, 18–110, 18–112, and 18–114 to be
 24 under the new subtitle “Subtitle 1. Notaries Public” and the amended title
 25 “Title 18. Notarial Acts”

26 Annotated Code of Maryland

27 (2014 Replacement Volume and 2018 Supplement)

28 BY repealing

29 Article – State Government

30 Section 18–105 through 18–108, 18–111, and 18–113; and 19–101 through 19–301
 31 and the title “Title 19. Acknowledgments”

32 Annotated Code of Maryland

33 (2014 Replacement Volume and 2018 Supplement)

34 BY adding to

35 Article – State Government

36 Section 18–201 through 18–228 to be under the new subtitle “Subtitle 2. Revised
 37 Uniform Law on Notarial Acts”

38 Annotated Code of Maryland

39 (2014 Replacement Volume and 2018 Supplement)

40 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

41 That the Laws of Maryland read as follows:

42 **Article – State Government**

1 Title 18. [Notaries Public] NOTARIAL ACTS.

2 SUBTITLE 1. NOTARIES PUBLIC.

3 18-102.

4 (A) [Each] TO BE APPOINTED AS A NOTARY PUBLIC, AN individual [appointed
5 as a notary public shall] MUST:

6 (1) be at least 18 years old;

7 [(2) be of good moral character and integrity;]

8 (2) BE A CITIZEN OR PERMANENT LEGAL RESIDENT OF THE UNITED
9 STATES;

10 [(3) live or work in the State;]

11 (3) (I) BE A RESIDENT OF THE STATE; OR

12 (II) HAVE A PLACE OF EMPLOYMENT OR PRACTICE IN THE
13 STATE;

14 (4) BE ABLE TO READ AND WRITE ENGLISH;

15 (5) (I) FOR AN INITIAL APPLICANT, HAVE COMPLETED THE
16 COURSE AND PASSED THE EXAMINATION OFFERED UNDER SUBSECTION (B) OF THIS
17 SECTION; OR

18 (II) FOR A RENEWAL APPLICANT, HAVE COMPLETED THE
19 COURSE OFFERED UNDER SUBSECTION (B) OF THIS SECTION;

20 [(4)] (6) if living in the State, be a resident of the senatorial district from
21 which appointed; and

22 [(5)] (7) if living outside the State, be a resident of a state that allows
23 Maryland residents working in that state to serve as notaries public in that state.

24 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS PARAGRAPH, THE
25 SECRETARY OF STATE REGULARLY SHALL OFFER A COURSE OF STUDY AND AN
26 EXAMINATION THAT COVER THE LAWS, REGULATIONS, PROCEDURES, AND ETHICS
27 RELEVANT TO NOTARIAL ACTS.

1 **(2) THE COURSE AND EXAMINATION MAY BE OFFERED THROUGH AN**
2 **ENTITY APPROVED BY THE SECRETARY OF STATE.**

3 18-103.

4 (d) (4) An out-of-state individual commissioned as a notary shall qualify
5 before the clerk of the circuit court in any county [or Baltimore City] and pay the fees
6 prescribed in subsection (e) of this section.

7 18-104.

8 (a) [(1) A notary public may be removed or suspended from office by the
9 Governor for good cause either on the Governor's own initiative or on a request made to the
10 Governor in writing by the Senator who approved the appointment.]

11 **(1) ON THE GOVERNOR'S OWN INITIATIVE OR ON A REQUEST MADE**
12 **TO THE GOVERNOR IN WRITING BY THE SENATOR FOR THE SENATORIAL DISTRICT**
13 **IN WHICH THE APPLICANT OR NOTARY PUBLIC RESIDES, THE GOVERNOR MAY DENY,**
14 **REFUSE TO RENEW, REVOKE, SUSPEND, OR IMPOSE CONDITIONS ON A COMMISSION**
15 **AS NOTARY PUBLIC FOR ANY ACT OR OMISSION THAT DEMONSTRATES THE**
16 **INDIVIDUAL LACKS THE HONESTY, INTEGRITY, COMPETENCE, OR RELIABILITY TO**
17 **ACT AS A NOTARY PUBLIC, INCLUDING:**

18 **(I) A FAILURE TO COMPLY WITH THIS TITLE OR REGULATIONS**
19 **ADOPTED UNDER THIS TITLE;**

20 **(II) A FRAUDULENT, DISHONEST, OR DECEITFUL**
21 **MISSTATEMENT OR OMISSION IN THE APPLICATION FOR A COMMISSION;**

22 **(III) A CONVICTION OF A FELONY OR CRIME INVOLVING FRAUD,**
23 **DISHONESTY, OR DECEIT;**

24 **(IV) A FINDING AGAINST OR AN ADMISSION OF LIABILITY IN A**
25 **LEGAL PROCEEDING OR DISCIPLINARY ACTION BASED ON FRAUD, DISHONESTY, OR**
26 **DECEIT;**

27 **(V) FAILURE TO DISCHARGE ANY DUTY REQUIRED OF A NOTARY**
28 **PUBLIC, WHETHER IMPOSED BY ANY FEDERAL OR STATE LAW OR REGULATIONS**
29 **ADOPTED BY THE SECRETARY OF STATE;**

30 **(VI) USE OF FALSE OR MISLEADING ADVERTISING OR**
31 **REPRESENTATION BY THE NOTARY PUBLIC REPRESENTING THAT THE NOTARY**
32 **PUBLIC HAS A DUTY, RIGHT, OR PRIVILEGE THAT THE NOTARY PUBLIC DOES NOT**
33 **HAVE; AND**

1 **(VII) DENIAL, REFUSAL TO RENEW, REVOCATION, SUSPENSION,**
2 **OR CONDITIONS OF A NOTARY PUBLIC COMMISSION BY ANOTHER STATE.**

3 (2) After notice to the notary and the opportunity for a hearing before the
4 Secretary of State or the Secretary of State's designee, the Secretary of State shall submit
5 a recommendation to the Governor for action as the Governor determines to be required in
6 the case.

7 (b) (1) The Governor may delegate to the Secretary of State or the Assistant
8 Secretary of State [or both] the authority to [remove or suspend a notary from office] **TAKE**
9 **AN ACTION** under **SUBSECTION (A) OF** this section.

10 (2) The Secretary of State or Assistant Secretary of State shall give the
11 notary notice and an opportunity for a hearing as provided in subsection (a) of this section,
12 but is not required to submit a recommendation to the Governor before acting under this
13 subsection.

14 (c) A hearing under this section is not a contested case under Title 10, Subtitle 2
15 of this article.

16 (d) The notice and hearing opportunity under subsections (a) and (b) of this
17 section is deemed satisfied if a letter informing the **APPLICANT OR** notary of the impending
18 [removal from office] **ACTION** and hearing opportunity is mailed to the **APPLICANT OR**
19 notary **BY FIRST-CLASS MAIL** at the last address the **APPLICANT OR** notary has given to
20 the Secretary of State[, and the letter is returned to the Secretary of State by the United
21 States Postal Service].

22 **(E) AN ACTION TAKEN UNDER THIS SECTION AGAINST A NOTARY PUBLIC**
23 **DOES NOT PRECLUDE A PERSON FROM SEEKING AND OBTAINING ANY OTHER**
24 **CRIMINAL OR CIVIL REMEDY PROVIDED BY LAW FOR REDRESS OF HARM CAUSED BY**
25 **THE NOTARY PUBLIC.**

26 [18-105.

27 (a) A notary public shall have the power to administer oaths according to law in
28 all matters and cases of a civil nature in which a justice of the peace might have
29 administered an oath on or before July 4, 1971, and with the same effect.

30 (b) A certificate under the notarial seal of a notary shall be sufficient evidence of
31 the notary having administered the oath as notary public.]

32 [18-106.

33 A notary public may:

1 (1) receive the proof or acknowledgment of all instruments of writing
2 relating to commerce or navigation and other writings as have been usually proved and
3 acknowledged before notaries; and

4 (2) make protests and declarations and testify to the truth of the protests
5 and declarations under the notary's notarial seal of office concerning all matters done by
6 the notary in virtue of the notary's office.]

7 [18-107.

8 A notary public shall keep a fair register of all protests and other official acts done
9 by the notary in virtue of the notary's office and shall, when required, give a certified copy
10 of any record in the notary's office to any person applying for the record on payment of the
11 usual fees for the certified copy by the person applying for it.]

12 [18-108.

13 (a) A notary public shall provide a public notarial seal or stamp with which the
14 notary shall authenticate the notary's acts, instruments, and attestations, on which seal or
15 stamp shall be shown a device that the notary thinks proper and for legend shall have the
16 name, surname, and office of the notary and the notary's place of residence, which shall be
17 designated by the county of the notary's residence or if the notary is a resident of the City
18 of Baltimore, by the City of Baltimore.

19 (b) If the notary is an out-of-state notary, the legend shall have the name,
20 surname, office of the notary, and the county where the notary qualified.

21 (c) Each notary shall include on each act, instrument, or attestation the
22 expiration date of the notary's commission as a notary.]

23 [18-109.] **18-105.**

24 A notary public may exercise all functions of the office of notary in any other county
25 or city than the county or city for which the notary is appointed, with the same power and
26 effect in all respects as if the same were exercised in the county or city for which the notary
27 is appointed.

28 [18-110.] **18-106.**

29 It is unlawful for any notary public to sign and issue any protest except in the form
30 prescribed by the Comptroller.

31 [18-111.

32 (a) Subject to subsection (b) of this section, it is lawful for any notary public who
33 is a stockholder, director, officer, or employee of a bank or other corporation to:

1 (1) take the acknowledgment of any party to any written instrument
2 executed to or by the corporation, or to administer an oath to any other stockholder,
3 director, officer, employee, or agent of the corporation; or

4 (2) protest for nonacceptance or nonpayment bills of exchange, drafts,
5 checks, notes, and other negotiable instruments that may be owned or held for collection of
6 the corporation.

7 (b) It is unlawful for any notary public to:

8 (1) take the acknowledgment of an instrument by or to a bank or other
9 corporation of which the notary is a stockholder, director, officer, or employee if the notary
10 is a party to the instrument, either individually or as a representative of the corporation;
11 or

12 (2) protest any negotiable instrument owned or held for collection by the
13 corporation, where the notary is individually a party to the instrument.]

14 **[18–112.] 18–107.**

15 (a) **(1)** The Secretary of State shall adopt regulations to establish fees, not to
16 exceed **[\$4] \$25** for an original notarial act, and an appropriate lesser amount for the
17 repetition of that original notarial act or to make a copy of the matter addressed by that
18 original notarial act.

19 **(2) A NOTARY PUBLIC OR PERSON ACTING ON BEHALF OF A NOTARY**
20 **PUBLIC MAY CHARGE A FEE, NOT TO EXCEED \$25, FOR THE PERFORMANCE OF A**
21 **NOTARIAL ACT UNDER § 18–214 OF THIS TITLE.**

22 (b) A notary public may charge **[19 cents per mile] THE PREVAILING RATE FOR**
23 **MILEAGE ESTABLISHED BY THE INTERNAL REVENUE SERVICE FOR BUSINESS**
24 **TRAVEL PER MILE**, or a higher amount set by regulation of the Secretary of State, and a
25 fee not to exceed \$5, as compensation for travel required for the performance of a notarial
26 act.

27 **[18–113.**

28 (a) If a document presented for notarization does not contain a notarial certificate
29 reflecting the taking of an oath or acknowledgment, a notary may nevertheless witness the
30 signing of the document in the notary's official capacity, in accordance with subsection (b)
31 of this section.

32 (b) A notary acting as a witness in the notary's official capacity under subsection
33 (a) of this section shall:

- 1 (1) obtain satisfactory proof of the identity of the person signing the
2 document;
- 3 (2) observe the signing of the document;
- 4 (3) date, sign, and seal or stamp the document; and
- 5 (4) record the act in the notary's fair register.]

6 **[18–114.] 18–108.**

7 (a) Subject to § 4–332 of the General Provisions Article, the Secretary of State
8 may provide lists of public information in its records to those persons who request them if
9 the Secretary of State approves of the purpose for which the information is requested.

10 (b) (1) The Secretary of State shall charge a reasonable fee, not less than the
11 cost of preparing the list, for any list furnished under this section.

12 (2) The Secretary of State may charge a reduced fee to persons requesting
13 a list for governmental or not-for-profit purposes.

14 (c) A person furnished any information under this section may not distribute or
15 otherwise use the information for any purpose other than that for which it was furnished.

16 (d) The Secretary of State may not disclose information under this section for use
17 in telephone solicitations as defined in § 4–320(a) of the General Provisions Article.

18 **SUBTITLE 2. REVISED UNIFORM LAW ON NOTARIAL ACTS.**

19 **18–201.**

20 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (B) “ACKNOWLEDGMENT” MEANS A DECLARATION BY AN INDIVIDUAL
23 BEFORE A NOTARIAL OFFICER THAT:

24 (1) THE INDIVIDUAL HAS SIGNED A RECORD FOR THE PURPOSE
25 STATED IN THE RECORD; AND

26 (2) IF THE RECORD IS SIGNED IN A REPRESENTATIVE CAPACITY, THE
27 INDIVIDUAL SIGNED THE RECORD WITH PROPER AUTHORITY AND SIGNED IT AS THE
28 ACT OF THE INDIVIDUAL OR ENTITY IDENTIFIED IN THE RECORD.

29 (C) “COMMUNICATION TECHNOLOGY” MEANS AN ELECTRONIC DEVICE OR

1 PROCESS THAT:

2 (1) ALLOWS A NOTARY PUBLIC AND A REMOTELY LOCATED
3 INDIVIDUAL TO COMMUNICATE WITH EACH OTHER SIMULTANEOUSLY BY SIGHT AND
4 SOUND; AND

5 (2) WHEN NECESSARY UNDER AND CONSISTENT WITH OTHER
6 APPLICABLE LAW, FACILITATES COMMUNICATION WITH A REMOTELY LOCATED
7 INDIVIDUAL WHO HAS A VISION, HEARING, OR SPEECH IMPAIRMENT.

8 (D) "CREDENTIAL ANALYSIS" MEANS A PROCESS OR SERVICE BY WHICH A
9 THIRD PARTY CONFIRMS THE VALIDITY OF AN IDENTIFICATION CREDENTIAL BY A
10 REVIEW OF PUBLIC OR PRIVATE DATA SOURCES.

11 (E) "ELECTRONIC" MEANS TECHNOLOGY HAVING ELECTRICAL, DIGITAL,
12 MAGNETIC, WIRELESS, OPTICAL, ELECTROMAGNETIC, OR SIMILAR CAPABILITIES.

13 (F) "ELECTRONIC SIGNATURE" MEANS AN ELECTRONIC SYMBOL, SOUND,
14 OR PROCESS ATTACHED TO OR LOGICALLY ASSOCIATED WITH A RECORD AND
15 EXECUTED OR ADOPTED BY AN INDIVIDUAL WITH THE INTENT TO SIGN THE RECORD.

16 (G) "FOREIGN STATE" MEANS A JURISDICTION OTHER THAN THE UNITED
17 STATES, A STATE, OR A FEDERALLY RECOGNIZED INDIAN TRIBE.

18 (H) "IDENTITY PROOFING" MEANS A PROCESS OR SERVICE BY WHICH A
19 THIRD PARTY PROVIDES A NOTARY PUBLIC WITH A MEANS TO VERIFY THE IDENTITY
20 OF A REMOTELY LOCATED INDIVIDUAL BY A REVIEW OF PERSONAL INFORMATION
21 FROM PUBLIC OR PRIVATE DATA SOURCES.

22 (I) "IN A REPRESENTATIVE CAPACITY" MEANS ACTING AS:

23 (1) AN AUTHORIZED OFFICER, AGENT, PARTNER, TRUSTEE, OR
24 OTHER REPRESENTATIVE FOR A PERSON OTHER THAN AN INDIVIDUAL;

25 (2) A PUBLIC OFFICER, PERSONAL REPRESENTATIVE, GUARDIAN, OR
26 OTHER REPRESENTATIVE, IN THE CAPACITY STATED IN A RECORD;

27 (3) AN AGENT OR ATTORNEY-IN-FACT FOR A PRINCIPAL; OR

28 (4) AN AUTHORIZED REPRESENTATIVE OF ANOTHER IN ANY OTHER
29 CAPACITY.

30 (J) (1) "NOTARIAL ACT" MEANS AN ACT, WHETHER PERFORMED WITH

1 RESPECT TO A TANGIBLE OR ELECTRONIC RECORD, THAT A NOTARIAL OFFICER MAY
2 PERFORM UNDER THE LAWS OF THE STATE.

3 (2) "NOTARIAL ACT" INCLUDES:

4 (I) TAKING AN ACKNOWLEDGMENT;

5 (II) ADMINISTERING AN OATH OR AFFIRMATION;

6 (III) TAKING A VERIFICATION ON OATH OR AFFIRMATION;

7 (IV) WITNESSING OR ATTESTING A SIGNATURE;

8 (V) CERTIFYING OR ATTESTING A COPY; AND

9 (VI) NOTING A PROTEST OF A NEGOTIABLE INSTRUMENT.

10 (K) "NOTARIAL OFFICER" MEANS A NOTARY PUBLIC OR OTHER INDIVIDUAL
11 AUTHORIZED TO PERFORM A NOTARIAL ACT.

12 (L) "NOTARY PUBLIC" MEANS AN INDIVIDUAL APPOINTED AND
13 COMMISSIONED TO PERFORM A NOTARIAL ACT.

14 (M) "OFFICIAL STAMP" MEANS:

15 (1) A PHYSICAL IMAGE AFFIXED TO OR EMBOSSSED ON A TANGIBLE
16 RECORD; OR

17 (2) AN ELECTRONIC IMAGE ATTACHED TO OR LOGICALLY
18 ASSOCIATED WITH AN ELECTRONIC RECORD.

19 (N) "RECORD" MEANS INFORMATION THAT IS:

20 (1) INSCRIBED ON A TANGIBLE MEDIUM; OR

21 (2) STORED IN AN ELECTRONIC OR OTHER MEDIUM AND IS
22 RETRIEVABLE IN PERCEIVABLE FORM.

23 (O) "REMOTE PRESENTATION" MEANS TRANSMISSION TO A NOTARY PUBLIC
24 THROUGH COMMUNICATION TECHNOLOGY OF AN IMAGE OF AN IDENTIFICATION
25 CREDENTIAL THAT IS OF SUFFICIENT QUALITY TO ENABLE THE NOTARY PUBLIC TO
26 REASONABLY IDENTIFY THE INDIVIDUAL AND TO PERFORM CREDENTIAL ANALYSIS.

1 (P) “REMOTELY LOCATED INDIVIDUAL” MEANS AN INDIVIDUAL WHO IS NOT
2 IN THE PHYSICAL PRESENCE OF THE NOTARY PUBLIC WHO PERFORMS A NOTARIAL
3 ACT.

4 (Q) “SIGN” MEANS, WITH PRESENT INTENT TO AUTHENTICATE OR ADOPT A
5 RECORD, TO:

6 (1) EXECUTE OR ADOPT A TANGIBLE SYMBOL; OR

7 (2) ATTACH TO OR LOGICALLY ASSOCIATE WITH THE RECORD AN
8 ELECTRONIC SYMBOL, SOUND, OR PROCESS.

9 (R) “SIGNATURE” MEANS A TANGIBLE SYMBOL OR AN ELECTRONIC
10 SIGNATURE THAT EVIDENCES THE SIGNING OF A RECORD.

11 (S) “STAMPING DEVICE” MEANS:

12 (1) A PHYSICAL DEVICE CAPABLE OF AFFIXING AN OFFICIAL STAMP
13 TO OR EMBOSSING AN OFFICIAL STAMP ON A TANGIBLE RECORD; OR

14 (2) AN ELECTRONIC DEVICE OR PROCESS CAPABLE OF ATTACHING AN
15 OFFICIAL STAMP TO OR LOGICALLY ASSOCIATING AN OFFICIAL STAMP WITH AN
16 ELECTRONIC RECORD.

17 (T) “VERIFICATION ON OATH OR AFFIRMATION” MEANS A DECLARATION
18 MADE BY AN INDIVIDUAL ON OATH OR AFFIRMATION BEFORE A NOTARIAL OFFICER
19 THAT A STATEMENT IN A RECORD IS TRUE OR THAT A REMOTELY LOCATED
20 INDIVIDUAL HAS THE IDENTITY CLAIMED.

21 **18-202.**

22 THIS SUBTITLE APPLIES ONLY TO A NOTARIAL ACT PERFORMED ON OR AFTER
23 OCTOBER 1, 2019.

24 **18-203.**

25 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A
26 NOTARIAL OFFICER MAY PERFORM A NOTARIAL ACT AUTHORIZED BY THE LAWS OF
27 THE STATE.

28 (B) (1) A NOTARIAL OFFICER MAY NOT PERFORM A NOTARIAL ACT WITH
29 RESPECT TO A RECORD TO WHICH THE NOTARIAL OFFICER OR THE SPOUSE OF THE
30 NOTARIAL OFFICER IS A PARTY, OR IN WHICH EITHER THE NOTARIAL OFFICER OF

1 THE SPOUSE OF THE NOTARIAL OFFICER HAS A DIRECT BENEFICIAL INTEREST.

2 (2) A NOTARIAL ACT PERFORMED IN VIOLATION OF PARAGRAPH (1)
3 OF THIS SUBSECTION IS VOIDABLE.

4 (C) A NOTARIAL OFFICER MAY CERTIFY THAT A TANGIBLE COPY OF AN
5 ELECTRONIC RECORD IS AN ACCURATE COPY OF THE ELECTRONIC RECORD.

6 18-204.

7 (A) A NOTARIAL OFFICER WHO TAKES AN ACKNOWLEDGMENT OF A RECORD
8 SHALL DETERMINE, FROM PERSONAL KNOWLEDGE OR SATISFACTORY EVIDENCE OF
9 THE IDENTITY OF THE INDIVIDUAL IN ACCORDANCE WITH § 18-206 OF THIS
10 SUBTITLE, THAT:

11 (1) THE INDIVIDUAL APPEARING BEFORE THE NOTARIAL OFFICER
12 AND MAKING THE ACKNOWLEDGMENT HAS THE IDENTITY CLAIMED; AND

13 (2) THE SIGNATURE ON THE RECORD IS THE SIGNATURE OF THE
14 INDIVIDUAL.

15 (B) A NOTARIAL OFFICER WHO TAKES A VERIFICATION ON OATH OR
16 AFFIRMATION OF A STATEMENT SHALL DETERMINE, FROM PERSONAL KNOWLEDGE
17 OR SATISFACTORY EVIDENCE OF THE IDENTITY OF THE INDIVIDUAL IN
18 ACCORDANCE WITH § 18-206 OF THIS SUBTITLE, THAT:

19 (1) THE INDIVIDUAL APPEARING BEFORE THE NOTARIAL OFFICER
20 AND MAKING THE VERIFICATION HAS THE IDENTITY CLAIMED; AND

21 (2) THE SIGNATURE ON THE STATEMENT VERIFIED IS THE SIGNATURE
22 OF THE INDIVIDUAL.

23 (C) A NOTARIAL OFFICER WHO WITNESSES OR ATTESTS TO A SIGNATURE
24 SHALL DETERMINE, FROM PERSONAL KNOWLEDGE OR SATISFACTORY EVIDENCE OF
25 THE IDENTITY OF THE INDIVIDUAL IN ACCORDANCE WITH § 18-206 OF THIS
26 SUBTITLE, THAT THE INDIVIDUAL APPEARING BEFORE THE NOTARIAL OFFICER AND
27 SIGNING THE RECORD HAS THE IDENTITY CLAIMED.

28 (D) A NOTARIAL OFFICER WHO CERTIFIES OR ATTESTS A COPY OF A RECORD
29 OR AN ITEM THAT WAS COPIED SHALL DETERMINE THAT THE COPY IS A FULL, TRUE,
30 AND ACCURATE TRANSCRIPTION OR REPRODUCTION OF THE RECORD OR ITEM.

31 (E) (1) A NOTARIAL OFFICER WHO CERTIFIES THAT A TANGIBLE COPY OF

1 AN ELECTRONIC RECORD IS AN ACCURATE COPY OF THE ELECTRONIC RECORD
2 SHALL:

3 (I) REASONABLY DETERMINE WHETHER THE ELECTRONIC
4 RECORD IS IN A TAMPER-EVIDENT FORMAT; AND

5 (II) PERSONALLY PRINT OR SUPERVISE THE PRINTING OF THE
6 ELECTRONIC RECORD ONTO PAPER OR OTHER TANGIBLE MEDIUM.

7 (2) A NOTARIAL OFFICER WHO CERTIFIES THAT A TANGIBLE COPY OF
8 AN ELECTRONIC RECORD IS AN ACCURATE COPY OF THE ELECTRONIC RECORD MAY
9 NOT MAKE THE CERTIFICATION IF THE NOTARIAL OFFICER HAS DETECTED A
10 CHANGE OR AN ERROR IN AN ELECTRONIC SIGNATURE OR OTHER INFORMATION IN
11 THE ELECTRONIC RECORD.

12 (F) A NOTARIAL OFFICER WHO MAKES OR NOTES A PROTEST OF A
13 NEGOTIABLE INSTRUMENT SHALL MAKE OR NOTE THE PROTEST IN ACCORDANCE
14 WITH § 3-505(B) OF THE COMMERCIAL LAW ARTICLE.

15 18-205.

16 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, IF A NOTARIAL ACT
17 RELATES TO A STATEMENT MADE IN OR A SIGNATURE EXECUTED ON A RECORD, THE
18 INDIVIDUAL MAKING THE STATEMENT OR EXECUTING THE SIGNATURE SHALL
19 APPEAR PERSONALLY BEFORE THE NOTARIAL OFFICER.

20 (B) A REMOTELY LOCATED INDIVIDUAL MAY COMPLY WITH SUBSECTION (A)
21 OF THIS SUBTITLE BY USING COMMUNICATION TECHNOLOGY TO APPEAR BEFORE A
22 NOTARY PUBLIC.

23 18-206.

24 (A) A NOTARIAL OFFICER HAS PERSONAL KNOWLEDGE OF THE IDENTITY OF
25 AN INDIVIDUAL PERSONALLY APPEARING BEFORE THE NOTARIAL OFFICER IF THE
26 INDIVIDUAL IS PERSONALLY KNOWN TO THE NOTARIAL OFFICER THROUGH
27 DEALINGS SUFFICIENT TO PROVIDE REASONABLE CERTAINTY THAT THE
28 INDIVIDUAL HAS THE IDENTITY CLAIMED.

29 (B) A NOTARIAL OFFICER HAS SATISFACTORY EVIDENCE OF THE IDENTITY
30 OF AN INDIVIDUAL PERSONALLY APPEARING BEFORE THE NOTARIAL OFFICER IF
31 THE NOTARIAL OFFICER CAN IDENTIFY THE INDIVIDUAL:

32 (1) BY MEANS OF:

1 **(I) A PASSPORT, DRIVER’S LICENSE, OR GOVERNMENT–ISSUED**
2 **NONDRIVER IDENTIFICATION CARD THAT IS CURRENT AND UNEXPIRED AT THE TIME**
3 **OF PERFORMANCE OF THE NOTARIAL ACT; OR**

4 **(II) ANOTHER FORM OF GOVERNMENT IDENTIFICATION ISSUED**
5 **TO THE INDIVIDUAL THAT:**

6 **1. IS CURRENT AND UNEXPIRED AT THE TIME OF**
7 **PERFORMANCE OF THE NOTARIAL ACT;**

8 **2. CONTAINS THE SIGNATURE AND PHOTOGRAPH OF**
9 **THE INDIVIDUAL; AND**

10 **3. IS SATISFACTORY TO THE NOTARIAL OFFICER; OR**

11 **(2) BY A VERIFICATION ON OATH OR AFFIRMATION OF A CREDIBLE**
12 **WITNESS WHO IS:**

13 **(I) PERSONALLY APPEARING BEFORE THE NOTARIAL OFFICER;**
14 **AND**

15 **(II) KNOWN TO THE NOTARIAL OFFICER OR WHOM THE**
16 **NOTARIAL OFFICER CAN IDENTIFY ON THE BASIS OF A PASSPORT, DRIVER’S**
17 **LICENSE, OR GOVERNMENT–ISSUED NONDRIVER IDENTIFICATION CARD THAT IS**
18 **CURRENT AND UNEXPIRED AT THE TIME OF PERFORMANCE OF THE NOTARIAL ACT.**

19 **(C) A NOTARIAL OFFICER MAY REQUIRE AN INDIVIDUAL TO PROVIDE**
20 **ADDITIONAL INFORMATION OR IDENTIFICATION CREDENTIALS NECESSARY TO**
21 **ASSURE THE NOTARIAL OFFICER OF THE IDENTITY OF THE INDIVIDUAL.**

22 **18–207.**

23 **UNLESS OTHERWISE PROHIBITED BY LAW, A NOTARIAL OFFICER MAY REFUSE**
24 **TO PERFORM A NOTARIAL ACT IF THE OFFICER IS NOT SATISFIED THAT:**

25 **(1) THE INDIVIDUAL EXECUTING THE RECORD IS COMPETENT OR HAS**
26 **THE CAPACITY TO EXECUTE THE RECORD; OR**

27 **(2) THE INDIVIDUAL’S SIGNATURE IS KNOWINGLY AND VOLUNTARILY**
28 **MADE.**

29 **18–208.**

1 (A) IF AN INDIVIDUAL IS PHYSICALLY UNABLE TO SIGN A RECORD, THE
2 INDIVIDUAL MAY DIRECT AN INDIVIDUAL OTHER THAN THE NOTARIAL OFFICER TO
3 SIGN THE INDIVIDUAL'S NAME ON THE RECORD.

4 (B) IF ANOTHER INDIVIDUAL IS DIRECTED TO SIGN AN INDIVIDUAL'S NAME
5 UNDER SUBSECTION (A) OF THIS SECTION, THE NOTARIAL OFFICER SHALL INSERT
6 ON THE RECORD THE FOLLOWING WORDS OR WORDS OF SIMILAR IMPORT:
7 "SIGNATURE AFFIXED BY (NAME OF OTHER INDIVIDUAL) AT THE DIRECTION OF
8 (NAME OF INDIVIDUAL)".

9 18-209.

10 (A) A NOTARIAL ACT MAY BE PERFORMED IN THE STATE BY:

11 (1) A NOTARY PUBLIC OF THE STATE;

12 (2) A JUDGE, CLERK, OR DEPUTY CLERK OF A COURT OF THE STATE;

13 OR

14 (3) A MAGISTRATE APPOINTED BY A COURT OF THE STATE.

15 (B) THE SIGNATURE AND TITLE OF AN INDIVIDUAL PERFORMING A
16 NOTARIAL ACT IN THE STATE ARE PRIMA FACIE EVIDENCE THAT:

17 (1) THE SIGNATURE IS GENUINE; AND

18 (2) THE INDIVIDUAL HOLDS THE DESIGNATED TITLE.

19 (C) THE SIGNATURE AND TITLE OF A NOTARIAL OFFICER LISTED IN
20 SUBSECTION (A) OF THIS SECTION CONCLUSIVELY ESTABLISH THE AUTHORITY OF
21 THE NOTARIAL OFFICER TO PERFORM THE NOTARIAL ACT.

22 (D) A JUDGE OF THE COURT OF THE STATE OR A MAGISTRATE APPOINTED
23 BY A COURT OF THE STATE MAY NOT CHARGE A FEE TO PERFORM A NOTARIAL ACT.

24 18-210.

25 (A) A NOTARIAL ACT PERFORMED IN ANOTHER STATE HAS THE SAME
26 EFFECT UNDER THE LAWS OF THIS STATE AS IF PERFORMED BY A NOTARIAL
27 OFFICER OF THIS STATE, IF THE ACT PERFORMED IN THE OTHER STATE IS
28 PERFORMED BY:

1 (1) A NOTARY PUBLIC OF THAT STATE;

2 (2) A JUDGE, CLERK, OR DEPUTY CLERK OF A COURT OF THAT STATE;

3 OR

4 (3) ANY OTHER INDIVIDUAL AUTHORIZED BY THE LAWS OF THAT
5 STATE TO PERFORM THE NOTARIAL ACT.

6 (B) THE SIGNATURE AND TITLE OF AN INDIVIDUAL PERFORMING A
7 NOTARIAL ACT IN ANOTHER STATE ARE PRIMA FACIE EVIDENCE THAT:

8 (1) THE SIGNATURE IS GENUINE; AND

9 (2) THE INDIVIDUAL HOLDS THE DESIGNATED TITLE.

10 (C) THE SIGNATURE AND TITLE OF A NOTARIAL OFFICER LISTED IN
11 SUBSECTION (A)(1) OR (2) OF THIS SECTION CONCLUSIVELY ESTABLISH THE
12 AUTHORITY OF THE NOTARIAL OFFICER TO PERFORM THE NOTARIAL ACT.

13 18-211.

14 (A) A NOTARIAL ACT PERFORMED UNDER THE AUTHORITY AND IN THE
15 JURISDICTION OF A FEDERALLY RECOGNIZED INDIAN TRIBE HAS THE SAME EFFECT
16 UNDER THE LAWS OF THIS STATE AS IF PERFORMED BY A NOTARIAL OFFICER OF
17 THIS STATE, IF THE ACT PERFORMED IN THE JURISDICTION OF THE TRIBE IS
18 PERFORMED BY:

19 (1) A NOTARY PUBLIC OF THE TRIBE;

20 (2) A JUDGE, CLERK, OR DEPUTY CLERK OF A COURT OF THE TRIBE;

21 OR

22 (3) ANY OTHER INDIVIDUAL AUTHORIZED BY THE LAWS OF THE TRIBE
23 TO PERFORM THE NOTARIAL ACT.

24 (B) THE SIGNATURE AND TITLE OF AN INDIVIDUAL PERFORMING A
25 NOTARIAL ACT UNDER THE AUTHORITY AND IN THE JURISDICTION OF A FEDERALLY
26 RECOGNIZED INDIAN TRIBE ARE PRIMA FACIE EVIDENCE THAT:

27 (1) THE SIGNATURE IS GENUINE; AND

28 (2) THE INDIVIDUAL HOLDS THE DESIGNATED TITLE.

1 **(C) THE SIGNATURE AND TITLE OF A NOTARIAL OFFICER LISTED IN**
2 **SUBSECTION (A)(1) OR (2) OF THIS SECTION CONCLUSIVELY ESTABLISH THE**
3 **AUTHORITY OF THE NOTARIAL OFFICER TO PERFORM THE NOTARIAL ACT.**

4 **18-212.**

5 **(A) A NOTARIAL ACT PERFORMED UNDER FEDERAL LAW HAS THE SAME**
6 **EFFECT UNDER THE LAWS OF THIS STATE AS IF PERFORMED BY A NOTARIAL**
7 **OFFICER OF THIS STATE, IF THE ACT PERFORMED UNDER FEDERAL LAW IS**
8 **PERFORMED BY:**

9 **(1) A NOTARY PUBLIC OF A COURT;**

10 **(2) AN INDIVIDUAL IN MILITARY SERVICE OR PERFORMING DUTIES**
11 **UNDER THE AUTHORITY OF MILITARY SERVICE WHO IS AUTHORIZED TO PERFORM**
12 **NOTARIAL ACTS UNDER FEDERAL LAW;**

13 **(3) AN INDIVIDUAL DESIGNATED A NOTARIZING OFFICER BY THE U.S.**
14 **DEPARTMENT OF STATE FOR PERFORMING NOTARIAL ACTS OVERSEAS; OR**

15 **(4) ANY OTHER INDIVIDUAL AUTHORIZED BY FEDERAL LAW TO**
16 **PERFORM THE NOTARIAL ACT.**

17 **(B) THE SIGNATURE AND TITLE OF AN INDIVIDUAL PERFORMING A**
18 **NOTARIAL ACT UNDER FEDERAL LAW ARE PRIMA FACIE EVIDENCE THAT:**

19 **(1) THE SIGNATURE IS GENUINE; AND**

20 **(2) THE INDIVIDUAL HOLDS THE DESIGNATED TITLE.**

21 **(C) THE SIGNATURE AND TITLE OF A NOTARIAL OFFICER LISTED IN**
22 **SUBSECTION (A)(1), (2), OR (3) OF THIS SECTION CONCLUSIVELY ESTABLISH THE**
23 **AUTHORITY OF THE NOTARIAL OFFICER TO PERFORM THE NOTARIAL ACT.**

24 **18-213.**

25 **(A) IF A NOTARIAL ACT IS PERFORMED UNDER THE AUTHORITY AND IN THE**
26 **JURISDICTION OF A FOREIGN STATE OR CONSTITUENT UNIT OF THE FOREIGN STATE**
27 **OR IS PERFORMED UNDER THE AUTHORITY OF A MULTINATIONAL OR**
28 **INTERNATIONAL GOVERNMENTAL ORGANIZATION, THE ACT HAS THE SAME EFFECT**
29 **UNDER THE LAWS OF THIS STATE AS IF PERFORMED BY A NOTARIAL OFFICER OF**
30 **THIS STATE.**

1 **(B) IF THE TITLE OF OFFICE AND INDICATION OF AUTHORITY TO PERFORM**
2 **NOTARIAL ACTS IN A FOREIGN STATE APPEARS IN A DIGEST OF FOREIGN LAW OR IN**
3 **A LIST CUSTOMARILY USED AS A SOURCE FOR THAT INFORMATION, THE AUTHORITY**
4 **OF AN OFFICER WITH THAT TITLE TO PERFORM NOTARIAL ACTS IS CONCLUSIVELY**
5 **ESTABLISHED.**

6 **(C) THE SIGNATURE AND OFFICIAL STAMP OF AN INDIVIDUAL HOLDING AN**
7 **OFFICE DESCRIBED IN SUBSECTION (B) OF THIS SECTION ARE PRIMA FACIE**
8 **EVIDENCE THAT:**

9 **(1) THE SIGNATURE IS GENUINE; AND**

10 **(2) THE INDIVIDUAL HOLDS THE DESIGNATED TITLE.**

11 **(D) AN APOSTILLE IN THE FORM PRESCRIBED BY THE HAGUE CONVENTION**
12 **OF OCTOBER 5, 1961, AND ISSUED BY A FOREIGN STATE PARTY TO THE CONVENTION**
13 **CONCLUSIVELY ESTABLISHES THAT:**

14 **(1) THE SIGNATURE OF THE NOTARIAL OFFICER IS GENUINE; AND**

15 **(2) THE NOTARIAL OFFICER HOLDS THE INDIVIDUAL OFFICE.**

16 **(E) A CONSULAR AUTHENTICATION ISSUED BY AN INDIVIDUAL DESIGNATED**
17 **BY THE U.S. DEPARTMENT OF STATE AS NOTARIZING OFFICER FOR PERFORMING**
18 **NOTARIAL ACTS OVERSEAS AND ATTACHED TO THE RECORD WITH RESPECT TO**
19 **WHICH THE NOTARIAL ACT IS PERFORMED CONCLUSIVELY ESTABLISHES THAT:**

20 **(1) THE SIGNATURE OF THE NOTARIAL OFFICER IS GENUINE; AND**

21 **(2) THE NOTARIAL OFFICER HOLDS THE INDIVIDUAL OFFICE.**

22 **18-214.**

23 **(A) A NOTARY PUBLIC LOCATED IN THIS STATE MAY PERFORM A NOTARIAL**
24 **ACT USING COMMUNICATION TECHNOLOGY FOR A REMOTELY LOCATED INDIVIDUAL**
25 **IF:**

26 **(1) THE NOTARY PUBLIC:**

27 **(I) HAS PERSONAL KNOWLEDGE UNDER § 18-206(A) OF THIS**
28 **SUBTITLE OF THE IDENTITY OF THE REMOTELY LOCATED INDIVIDUAL;**

29 **(II) HAS SATISFACTORY EVIDENCE OF THE IDENTITY OF THE**

1 REMOTELY LOCATED INDIVIDUAL BY VERIFICATION ON OATH OR AFFIRMATION
2 FROM A CREDIBLE WITNESS APPEARING BEFORE AND IDENTIFIED BY THE NOTARY
3 PUBLIC UNDER § 18-206(B) OF THIS SUBTITLE OR AS A REMOTELY LOCATED
4 INDIVIDUAL UNDER THIS SECTION; OR

5 (III) HAS OBTAINED SATISFACTORY EVIDENCE OF THE IDENTITY
6 OF THE REMOTELY LOCATED INDIVIDUAL BY:

7 1. REMOTE PRESENTATION OF AN IDENTIFICATION
8 CREDENTIAL DESCRIBED IN § 18-206(B) OF THIS SUBTITLE;

9 2. CREDENTIAL ANALYSIS OF THE IDENTIFICATION
10 CREDENTIAL; AND

11 3. IDENTITY PROOFING OF THE INDIVIDUAL;

12 (2) THE NOTARY PUBLIC IS REASONABLY ABLE TO CONFIRM THAT A
13 RECORD BEFORE THE NOTARY PUBLIC IS THE SAME RECORD IN WHICH THE
14 REMOTELY LOCATED INDIVIDUAL MADE A STATEMENT OR ON WHICH THE
15 INDIVIDUAL EXECUTED A SIGNATURE;

16 (3) THE NOTARY PUBLIC, OR PERSON ACTING ON BEHALF OF THE
17 NOTARY PUBLIC, CREATES AN AUDIO-VISUAL RECORDING OF THE PERFORMANCE
18 OF THE NOTARIAL ACT; AND

19 (4) FOR A REMOTELY LOCATED INDIVIDUAL LOCATED OUTSIDE THE
20 UNITED STATES:

21 (I) THE RECORD:

22 1. IS TO BE FILED WITH OR RELATES TO A MATTER
23 BEFORE A PUBLIC OFFICIAL OR COURT, GOVERNMENTAL ENTITY, OR OTHER ENTITY
24 SUBJECT TO THE JURISDICTION OF THE UNITED STATES; OR

25 2. INVOLVES PROPERTY LOCATED IN THE TERRITORIAL
26 JURISDICTION OF THE UNITED STATES OR INVOLVES A TRANSACTION
27 SUBSTANTIALLY CONNECTED WITH THE UNITED STATES; AND

28 (II) THE NOTARY PUBLIC HAS NO ACTUAL KNOWLEDGE THAT
29 THE ACT OF MAKING THE STATEMENT OR SIGNING THE RECORD IS PROHIBITED BY
30 THE FOREIGN STATE IN WHICH THE REMOTELY LOCATED INDIVIDUAL IS LOCATED.

31 (B) IF A NOTARIAL ACT IS PERFORMED UNDER SUBSECTION (A) OF THIS

1 SECTION, THE CERTIFICATE OF NOTARIAL ACT REQUIRED BY § 18-215 OF THIS
2 SUBTITLE MUST INDICATE THAT THE NOTARIAL ACT INVOLVED A REMOTELY
3 LOCATED INDIVIDUAL AND WAS PERFORMED USING COMMUNICATION
4 TECHNOLOGY.

5 (C) A SHORT-FORM CERTIFICATE PROVIDED IN § 18-216 OF THIS SUBTITLE
6 FOR A NOTARIAL ACT PERFORMED UNDER SUBSECTION (A) OF THIS SECTION IS
7 SUFFICIENT IF IT:

8 (1) COMPLIES WITH ANY REGULATIONS ADOPTED UNDER § 18-223 OF
9 THIS SUBTITLE; OR

10 (2) CONTAINS A STATEMENT SUBSTANTIALLY AS FOLLOWS: “THIS
11 NOTARIAL ACT INVOLVED A REMOTELY LOCATED INDIVIDUAL AND THE USE OF
12 COMMUNICATION TECHNOLOGY.”.

13 (D) (1) A NOTARY PUBLIC, A GUARDIAN, A CONSERVATOR, OR AN AGENT
14 OF A NOTARY PUBLIC OR A PERSONAL REPRESENTATIVE OF A DECEASED NOTARY
15 PUBLIC SHALL:

16 (I) RETAIN THE AUDIO-VISUAL RECORDING CREATED UNDER
17 SUBSECTION (A)(3) OF THIS SECTION; OR

18 (II) CAUSE THE AUDIO-VISUAL RECORDING TO BE RETAINED BY
19 A REPOSITORY DESIGNATED BY OR ON BEHALF OF THE PERSON REQUIRED TO
20 RETAIN THE RECORDING.

21 (2) UNLESS A DIFFERENT PERIOD IS REQUIRED BY REGULATIONS
22 ADOPTED UNDER § 18-223 OF THIS SUBTITLE, AN AUDIO-VISUAL RECORDING
23 CREATED UNDER SUBSECTION (A)(3) OF THIS SECTION SHALL BE RETAINED FOR A
24 PERIOD OF AT LEAST 10 YEARS AFTER THE RECORDING IS MADE.

25 (E) (1) BEFORE A NOTARY PUBLIC PERFORMS THE NOTARY PUBLIC’S
26 INITIAL NOTARIAL ACT UNDER SUBSECTION (A) OF THIS SECTION, THE NOTARY
27 PUBLIC SHALL NOTIFY THE SECRETARY OF STATE:

28 (I) THAT THE NOTARY PUBLIC WILL BE PERFORMING
29 NOTARIAL ACTS FACILITATED BY COMMUNICATION TECHNOLOGY; AND

30 (II) OF THE TECHNOLOGIES THE NOTARY PUBLIC INTENDS TO
31 USE.

32 (2) IF THE SECRETARY OF STATE ESTABLISHES BY REGULATION THE

1 STANDARDS FOR APPROVAL OF COMMUNICATION TECHNOLOGY, CREDENTIAL
2 ANALYSIS, OR IDENTITY PROOFING UNDER § 18-223 OF THIS SUBTITLE, THE
3 COMMUNICATION TECHNOLOGY, CREDENTIAL ANALYSIS, AND IDENTITY PROOFING
4 USED BY A NOTARY PUBLIC MUST COMPLY WITH THE STANDARDS.

5 (F) THE VALIDITY OF A NOTARIAL ACT PERFORMED UNDER THIS SECTION
6 SHALL BE DETERMINED UNDER THE LAWS OF THIS STATE REGARDLESS OF THE
7 PHYSICAL LOCATION OF THE REMOTELY LOCATED INDIVIDUAL AT THE TIME OF THE
8 NOTARIAL ACT.

9 (G) THIS SECTION SHALL BE CONSTRUED AND APPLIED IN A MANNER
10 CONSISTENT WITH TITLE 21 OF THE COMMERCIAL LAW ARTICLE.

11 (H) (1) NOTHING IN THIS SECTION SHALL REQUIRE ANY PERSON TO
12 ACCEPT, AGREE TO, CONDUCT, OR COMPLETE A TRANSACTION WHERE A NOTARIAL
13 ACT IS PERFORMED USING COMMUNICATION TECHNOLOGY FOR A REMOTELY
14 LOCATED INDIVIDUAL.

15 (2) A PERSON THAT AGREES TO ACCEPT, AGREE TO, CONDUCT, OR
16 COMPLETE A TRANSACTION WHERE A NOTARIAL ACT IS PERFORMED USING
17 COMMUNICATION TECHNOLOGY FOR A REMOTELY LOCATED INDIVIDUAL MAY
18 REFUSE TO DO SO IN ANY OTHER TRANSACTION.

19 18-215.

20 (A) (1) EACH NOTARIAL ACT SHALL BE EVIDENCED BY A CERTIFICATE.

21 (2) THE CERTIFICATE SHALL:

22 (I) BE EXECUTED CONTEMPORANEOUSLY WITH THE
23 PERFORMANCE OF THE NOTARIAL ACT;

24 (II) BE SIGNED AND DATED BY THE NOTARIAL OFFICER AND, IF
25 THE NOTARIAL OFFICER IS A NOTARY PUBLIC, BE SIGNED IN THE SAME MANNER AS
26 ON FILE WITH THE SECRETARY OF STATE;

27 (III) IDENTIFY THE JURISDICTION IN WHICH THE NOTARIAL ACT
28 IS PERFORMED;

29 (IV) CONTAIN THE TITLE OF OFFICE OF THE NOTARIAL OFFICER;
30 AND

31 (V) IF THE NOTARIAL OFFICER IS A NOTARY PUBLIC, INDICATE

1 THE DATE OF EXPIRATION, IF ANY, OF THE NOTARIAL OFFICER'S COMMISSION.

2 (B) (1) IF A NOTARIAL ACT REGARDING A TANGIBLE RECORD IS
3 PERFORMED BY A NOTARY PUBLIC, THE NOTARY PUBLIC SHALL AFFIX AN OFFICIAL
4 STAMP TO OR EMBOSS AN OFFICIAL STAMP ON THE CERTIFICATE.

5 (2) IF A NOTARIAL ACT IS PERFORMED REGARDING A TANGIBLE
6 RECORD BY A NOTARIAL OFFICER OTHER THAN A NOTARY PUBLIC, THE NOTARIAL
7 OFFICER MAY AFFIX AN OFFICIAL STAMP TO OR EMBOSS AN OFFICIAL STAMP ON THE
8 CERTIFICATE.

9 (3) IF A NOTARIAL ACT REGARDING AN ELECTRONIC RECORD IS
10 PERFORMED BY A NOTARIAL OFFICER, THE NOTARIAL OFFICER MAY ATTACH AN
11 OFFICIAL STAMP TO OR LOGICALLY ASSOCIATE AN OFFICIAL STAMP WITH THE
12 CERTIFICATE.

13 (C) A CERTIFICATE OF A NOTARIAL ACT IS SUFFICIENT IF IT MEETS THE
14 REQUIREMENTS OF SUBSECTIONS (A) AND (B) OF THIS SECTION AND:

15 (1) IS IN A SHORT FORM PROVIDED IN § 18-216 OF THIS SUBTITLE;

16 (2) IS IN A FORM OTHERWISE ALLOWED BY THE LAWS OF THIS STATE;

17 (3) IS IN A FORM ALLOWED BY THE LAWS APPLICABLE IN THE
18 JURISDICTION IN WHICH THE NOTARIAL ACT WAS PERFORMED; OR

19 (4) SETS FORTH THE ACTIONS OF THE NOTARIAL OFFICER AND THE
20 ACTIONS ARE SUFFICIENT TO MEET THE REQUIREMENTS OF THE LAWS OF THE
21 STATE.

22 (D) BY EXECUTING A CERTIFICATE OF A NOTARIAL ACT, A NOTARIAL
23 OFFICER CERTIFIES THAT THE NOTARIAL OFFICER HAS COMPLIED WITH §§ 18-203,
24 18-204, AND 18-205, AND, IF APPLICABLE, § 18-214 OF THIS SUBTITLE.

25 (E) A NOTARIAL OFFICER MAY NOT AFFIX THE NOTARIAL OFFICER'S
26 SIGNATURE TO, OR LOGICALLY ASSOCIATE IT WITH, A CERTIFICATE UNTIL THE
27 NOTARIAL ACT HAS BEEN PERFORMED.

28 (F) (1) IF A NOTARIAL ACT IS PERFORMED REGARDING A TANGIBLE
29 RECORD, A CERTIFICATE SHALL BE PART OF, OR SECURELY ATTACHED TO, THE
30 RECORD.

31 (2) IF A NOTARIAL ACT IS PERFORMED REGARDING AN ELECTRONIC

1 RECORD, THE CERTIFICATE SHALL BE AFFIXED TO, OR LOGICALLY ASSOCIATED
2 WITH, THE ELECTRONIC RECORD.

3 (3) IF THE SECRETARY OF STATE HAS ADOPTED REGULATIONS
4 UNDER § 18-223 OF THIS SUBTITLE TO ESTABLISH STANDARDS FOR ATTACHING,
5 AFFIXING, OR LOGICALLY ASSOCIATING THE CERTIFICATE, THE NOTARIAL OFFICER
6 SHALL USE A PROCESS FOR ATTACHING, AFFIXING, OR LOGICALLY ASSOCIATING
7 THE CERTIFICATE THAT CONFORMS TO THE STANDARDS.

8 18-216.

9 (A) THE SHORT FORM CERTIFICATES OF NOTARIAL ACTS IN SUBSECTIONS
10 (B), (C), (D), (E), (F), AND (G) OF THIS SECTION ARE SUFFICIENT FOR THE PURPOSES
11 INDICATED IF:

12 (1) THE CERTIFICATE IS COMPLETED WITH THE INFORMATION
13 REQUIRED BY § 18-215(A) OF THIS SUBTITLE; AND

14 (2) IF REQUIRED UNDER § 18-215(B) OF THIS SUBTITLE, THE
15 OFFICIAL STAMP OF THE NOTARY PUBLIC IS AFFIXED TO OR EMBOSSED ON THE
16 CERTIFICATE.

17 (B) FOR AN ACKNOWLEDGMENT IN AN INDIVIDUAL CAPACITY:

18 STATE OF COUNTY OF

19 THIS RECORD WAS ACKNOWLEDGED BEFORE ME ON THE ... DAY OF ..., 20... BY ...

20
21 SIGNATURE OF NOTARIAL OFFICER
22 TITLE OF OFFICE
23 STAMP
24 MY COMMISSION EXPIRES:_____

25 (C) FOR AN ACKNOWLEDGMENT IN A REPRESENTATIVE CAPACITY:

26 STATE OF COUNTY OF

27 THIS RECORD WAS ACKNOWLEDGED BEFORE ME ON THE ... DAY OF ..., 20... BY ... AS
28 (TYPE OF AUTHORITY, SUCH AS AN OFFICER OR TRUSTEE) OF (NAME OF PARTY ON
29 BEHALF OF WHOM RECORD WAS EXECUTED).

30

1 SIGNATURE OF NOTARIAL OFFICER
 2 TITLE OF OFFICE
 3 STAMP
 4 MY COMMISSION EXPIRES:_____

5 (D) FOR A VERIFICATION ON OATH OR AFFIRMATION:

6 STATE OF COUNTY OF

7 SIGNED AND SWORN TO (OR AFFIRMED) BEFORE ME ON THE ... DAY OF ..., 20... BY
 8 ...

9
 10 SIGNATURE OF NOTARIAL OFFICER
 11 TITLE OF OFFICE
 12 STAMP
 13 MY COMMISSION EXPIRES:_____

14 (E) FOR WITNESSING OR ATTESTING A SIGNATURE:

15 STATE OF COUNTY OF

16 SIGNED (OR ATTESTED) BEFORE ME ON THE ... DAY OF ..., 20... BY ...

17
 18 SIGNATURE OF NOTARIAL OFFICER
 19 TITLE OF OFFICE
 20 STAMP
 21 MY COMMISSION EXPIRES:_____

22 (F) FOR CERTIFYING A COPY OF A RECORD:

23 STATE OF COUNTY OF

24 I CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF A RECORD IN THE
 25 POSSESSION OF ...

26 DATED THE ... DAY OF ..., 20... BY ...

27
 28 SIGNATURE OF NOTARIAL OFFICER
 29 TITLE OF OFFICE
 30 STAMP

1 MY COMMISSION EXPIRES:_____

2 (G) FOR CERTIFYING A TANGIBLE COPY OF AN ELECTRONIC RECORD:

3 STATE OF COUNTY OF

4 I CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF AN ELECTRONIC RECORD
5 ENTITLED ..., DATED THE ... DAY OF ..., 20..., CONTAINING ... PAGES.

6 DATED THE DAY OF, 20.... BY ...

7
8 SIGNATURE OF NOTARIAL OFFICER
9 TITLE OF OFFICE
10 STAMP
11 MY COMMISSION EXPIRES:_____

12 18-217.

13 (A) THE OFFICIAL STAMP OF A NOTARY PUBLIC SHALL:

14 (1) INCLUDE:

15 (I) THE NOTARY PUBLIC’S NAME, JURISDICTION, OFFICE, AND
16 COUNTY OF RESIDENCE; AND

17 (II) ANY OTHER INFORMATION REQUIRED BY THE SECRETARY
18 OF STATE; AND

19 (2) BE CAPABLE OF BEING COPIED TOGETHER WITH THE RECORD TO
20 WHICH IT IS AFFIXED OR ATTACHED OR WITH WHICH IT IS LOGICALLY ASSOCIATED.

21 (B) A NOTARY PUBLIC COMMISSIONED UNDER THE LAWS OF THIS STATE
22 SHALL INCLUDE IN THE NOTARY PUBLIC’S OFFICIAL STAMP OR WITHIN A
23 CERTIFICATE OF NOTARIAL ACT THE EXPIRATION DATE OF THE NOTARY PUBLIC’S
24 COMMISSION AS A NOTARY PUBLIC.

25 (C) A NOTARY PUBLIC’S OFFICIAL STAMP IS A PUBLIC SEAL FOR PURPOSES
26 OF § 8-607 OF THE CRIMINAL LAW ARTICLE.

27 18-218.

28 (A) (1) (I) EACH NOTARY PUBLIC IS RESPONSIBLE FOR THE SECURITY

1 OF THE NOTARY PUBLIC'S STAMPING DEVICE.

2 (II) A NOTARY PUBLIC MAY NOT ALLOW ANOTHER INDIVIDUAL
3 TO USE THE STAMPING DEVICE TO PERFORM A NOTARIAL ACT.

4 (2) ON RESIGNATION FROM, OR THE REVOCATION OR EXPIRATION
5 OF, THE NOTARY PUBLIC'S COMMISSION, OR ON THE EXPIRATION OF THE DATE SET
6 FORTH IN THE STAMPING DEVICE, IF ANY, THE NOTARY PUBLIC SHALL DISABLE THE
7 STAMPING DEVICE BY DESTROYING, DEFACING, DAMAGING, ERASING, OR SECURING
8 IT AGAINST USE IN A MANNER THAT RENDERS IT UNUSABLE.

9 (3) ON THE DEATH OR ADJUDICATION OF INCOMPETENCY OF A
10 NOTARY PUBLIC, THE NOTARY PUBLIC'S PERSONAL REPRESENTATIVE OR GUARDIAN
11 OR ANY OTHER PERSON KNOWINGLY IN POSSESSION OF THE STAMPING DEVICE
12 SHALL DISABLE THE STAMPING DEVICE BY DESTROYING, DEFACING, DAMAGING,
13 ERASING, OR SECURING IT AGAINST USE IN A MANNER THAT RENDERS IT UNUSABLE.

14 (B) IF A NOTARY PUBLIC'S STAMPING DEVICE IS LOST OR STOLEN, THE
15 NOTARY PUBLIC OR THE NOTARY PUBLIC'S PERSONAL REPRESENTATIVE OR
16 GUARDIAN PROMPTLY SHALL NOTIFY THE SECRETARY OF STATE ON DISCOVERING
17 THAT THE DEVICE IS LOST OR STOLEN.

18 (C) A NOTARY PUBLIC'S STAMPING DEVICE IS A PUBLIC SEAL FOR
19 PURPOSES OF § 8-607 OF THE CRIMINAL LAW ARTICLE.

20 18-219.

21 (A) (1) SUBJECT TO SUBSECTION (F) OF THIS SECTION, EACH NOTARY
22 PUBLIC SHALL MAINTAIN A JOURNAL IN WHICH THE NOTARY PUBLIC CHRONICLES
23 ALL NOTARIAL ACTS THAT THE NOTARY PUBLIC PERFORMS.

24 (2) THE NOTARY PUBLIC SHALL RETAIN THE JOURNAL FOR 10 YEARS
25 AFTER THE PERFORMANCE OF THE LAST NOTARIAL ACT CHRONICLED IN THE
26 JOURNAL.

27 (B) (1) A JOURNAL MAY BE CREATED ON A TANGIBLE MEDIUM OR IN AN
28 ELECTRONIC FORMAT.

29 (2) A NOTARY PUBLIC SHALL MAINTAIN ONLY ONE JOURNAL AT A
30 TIME TO CHRONICLE ALL NOTARIAL ACTS PERFORMED REGARDING TANGIBLE
31 RECORDS, AND ONE OR MORE JOURNALS TO CHRONICLE ALL NOTARIAL ACTS
32 PERFORMED REGARDING ELECTRONIC RECORDS.

1 **(3) (I) IF THE JOURNAL IS MAINTAINED ON A TANGIBLE MEDIUM,**
2 **THE JOURNAL MUST BE A PERMANENT, BOUND REGISTER WITH NUMBERED PAGES.**

3 **(II) IF THE JOURNAL IS MAINTAINED IN AN ELECTRONIC**
4 **FORMAT, THE JOURNAL MUST BE IN A PERMANENT, TAMPER-EVIDENT ELECTRONIC**
5 **FORMAT THAT COMPLIES WITH ANY REGULATIONS ADOPTED BY THE SECRETARY OF**
6 **STATE UNDER § 18-223 OF THIS SUBTITLE.**

7 **(C) EACH ENTRY IN A JOURNAL SHALL:**

8 **(1) BE MADE CONTEMPORANEOUSLY WITH PERFORMANCE OF THE**
9 **NOTARIAL ACT; AND**

10 **(2) CONTAIN THE FOLLOWING INFORMATION:**

11 **(I) THE DATE AND TIME THE NOTARIAL ACT WAS PERFORMED;**

12 **(II) A DESCRIPTION OF THE RECORD, IF ANY, AND TYPE OF**
13 **NOTARIAL ACT;**

14 **(III) THE FULL NAME AND ADDRESS OF EACH INDIVIDUAL FOR**
15 **WHOM THE NOTARIAL ACT IS PERFORMED;**

16 **(IV) IF THE IDENTITY OF THE INDIVIDUAL IS BASED ON**
17 **PERSONAL KNOWLEDGE, A STATEMENT TO THAT EFFECT;**

18 **(V) IF THE IDENTITY OF THE INDIVIDUAL IS BASED ON**
19 **SATISFACTORY EVIDENCE, A BRIEF DESCRIPTION OF THE METHOD OF**
20 **IDENTIFICATION AND THE IDENTIFICATION CREDENTIAL PRESENTED, IF ANY,**
21 **INCLUDING THE DATE OF ISSUANCE AND EXPIRATION OF ANY IDENTIFICATION**
22 **CREDENTIAL;**

23 **(VI) THE FEE, IF ANY, CHARGED BY THE NOTARY PUBLIC; AND**

24 **(VII) AN INDICATION OF WHETHER AN INDIVIDUAL MAKING A**
25 **STATEMENT OR EXECUTING A SIGNATURE WHICH IS THE SUBJECT OF THE NOTARIAL**
26 **ACT APPEARED IN THE NOTARY PUBLIC'S PHYSICAL PRESENCE OR BY MEANS OF**
27 **COMMUNICATION TECHNOLOGY.**

28 **(D) IF A NOTARY PUBLIC'S JOURNAL IS LOST OR STOLEN, THE NOTARY**
29 **PUBLIC PROMPTLY SHALL NOTIFY THE SECRETARY OF STATE ON DISCOVERING**
30 **THAT THE JOURNAL IS LOST OR STOLEN.**

1 **(E) SUBJECT TO SUBSECTION (F) OF THIS SECTION, ON RESIGNATION FROM,**
2 **OR THE REVOCATION OR SUSPENSION OF, A NOTARY PUBLIC'S COMMISSION, THE**
3 **NOTARY PUBLIC SHALL:**

4 **(1) RETAIN THE NOTARY PUBLIC'S JOURNAL IN ACCORDANCE WITH**
5 **SUBSECTION (A) OF THIS SECTION; AND**

6 **(2) INFORM THE SECRETARY OF STATE WHERE THE JOURNAL IS**
7 **LOCATED.**

8 **(F) INSTEAD OF RETAINING A JOURNAL AS REQUIRED UNDER SUBSECTION**
9 **(A) OR (E) OF THIS SECTION, A CURRENT OR FORMER NOTARY PUBLIC MAY**
10 **TRANSMIT THE JOURNAL TO THE SECRETARY OF STATE OR A REPOSITORY**
11 **APPROVED BY THE SECRETARY OF STATE.**

12 **(G) ON THE DEATH OR ADJUDICATION OF INCOMPETENCY OF A CURRENT**
13 **OR FORMER NOTARY PUBLIC, THE NOTARY PUBLIC'S PERSONAL REPRESENTATIVE**
14 **OR GUARDIAN OR ANY OTHER PERSON KNOWINGLY IN POSSESSION OF THE JOURNAL**
15 **SHALL TRANSMIT IT TO THE SECRETARY OF STATE OR A REPOSITORY APPROVED BY**
16 **THE SECRETARY OF STATE.**

17 **18-220.**

18 **(A) (1) A NOTARY PUBLIC MAY SELECT ONE OR MORE TAMPER-EVIDENT**
19 **TECHNOLOGIES TO PERFORM NOTARIAL ACTS WITH RESPECT TO ELECTRONIC**
20 **RECORDS.**

21 **(2) A PERSON MAY NOT REQUIRE A NOTARY PUBLIC TO PERFORM A**
22 **NOTARIAL ACT WITH RESPECT TO AN ELECTRONIC RECORD WITH A TECHNOLOGY**
23 **THAT THE NOTARY PUBLIC HAS NOT SELECTED.**

24 **(B) (1) BEFORE A NOTARY PUBLIC PERFORMS THE NOTARY PUBLIC'S**
25 **INITIAL NOTARIAL ACT WITH RESPECT TO AN ELECTRONIC RECORD, A NOTARY**
26 **PUBLIC SHALL:**

27 **(I) NOTIFY THE SECRETARY OF STATE THAT THE NOTARY**
28 **PUBLIC WILL BE PERFORMING NOTARIAL ACTS WITH RESPECT TO THE ELECTRONIC**
29 **RECORDS; AND**

30 **(II) IDENTIFY THE TECHNOLOGY THE NOTARY PUBLIC INTENDS**
31 **TO USE.**

32 **(2) IF THE SECRETARY OF STATE ADOPTS REGULATIONS UNDER §**

1 18-223 OF THIS SUBTITLE TO ESTABLISH STANDARDS FOR APPROVAL OF
2 TECHNOLOGY USED TO PERFORM A NOTARIAL ACT WITH RESPECT TO AN
3 ELECTRONIC RECORD, THE NOTARY PUBLIC SHALL USE TECHNOLOGY THAT
4 CONFORMS TO THE STANDARDS.

5 (3) IF STANDARDS AND REGULATIONS ADOPTED BY THE SECRETARY
6 OF STATE UNDER THIS SUBTITLE REQUIRE TECHNOLOGY USED TO PERFORM
7 NOTARIAL ACTS WITH RESPECT TO ELECTRONIC RECORDS, THE SECRETARY OF
8 STATE SHALL APPROVE THE USE OF THE TECHNOLOGY.

9 (C) (1) THIS SUBSECTION DOES NOT APPLY TO A PLAT RECORDED UNDER
10 TITLE 3 OF THE REAL PROPERTY ARTICLE.

11 (2) A CLERK OF THE CIRCUIT COURT SHALL ACCEPT FOR RECORDING
12 UNDER TITLE 3 OF THE REAL PROPERTY ARTICLE A TANGIBLE COPY OF AN
13 ELECTRONIC RECORD CONTAINING A NOTARIAL CERTIFICATE IN A FORM
14 SUFFICIENT UNDER § 18-216(G) OF THIS SUBTITLE AS SATISFYING ANY
15 REQUIREMENT THAT A RECORD ACCEPTED FOR RECORDING BE AN ORIGINAL, IF
16 THE NOTARIAL OFFICER EXECUTING THE CERTIFICATE CERTIFIES THAT THE
17 TANGIBLE COPY IS AN ACCURATE COPY OF THE ELECTRONIC RECORD UNDER §
18 18-203(C) OF THIS SUBTITLE.

19 (D) (1) A NOTARIAL CERTIFICATE IS PRIMA FACIE EVIDENCE THAT THE
20 REQUIREMENTS OF § 18-204(E) OF THIS SUBTITLE HAVE BEEN SATISFIED WITH
21 RESPECT TO AN ELECTRONIC RECORD IF THE CERTIFICATE:

22 (I) IS COMPLETED WITH THE INFORMATION REQUIRED BY §
23 18-215(A) OF THIS SUBTITLE;

24 (II) INCLUDES AN AFFIXED OR EMBOSSED OFFICIAL STAMP AS
25 REQUIRED BY § 18-215(B) OF THIS SUBTITLE; AND

26 (III) IS ATTACHED TO OR MADE A PART OF A TANGIBLE COPY OF
27 AN ELECTRONIC RECORD.

28 (2) A TANGIBLE COPY OF AN ELECTRONIC RECORD PURPORTING TO
29 CONVEY OR ENCUMBER REAL PROPERTY OR ANY INTEREST IN REAL PROPERTY
30 THAT HAS BEEN RECORDED BY A CLERK OF THE CIRCUIT COURT FOR THE COUNTY
31 IN WHICH THE REAL PROPERTY AFFECTED BY THE RECORD LIES SHALL IMPART THE
32 SAME NOTICE TO THIRD PARTIES AND BE EFFECTIVE FROM THE TIME OF
33 RECORDING AS IF THE TANGIBLE COPY HAD BEEN CERTIFIED IN ACCORDANCE WITH
34 THE PROVISIONS OF THIS SUBTITLE EVEN IF THE TANGIBLE COPY MAY NOT HAVE
35 BEEN CERTIFIED IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE.

1 18-221.

2 THE SECRETARY OF STATE SHALL MAINTAIN AN ELECTRONIC DATABASE OF
3 NOTARIES PUBLIC:

4 (1) THROUGH WHICH A PERSON MAY VERIFY THE AUTHORITY OF A
5 NOTARY PUBLIC TO PERFORM NOTARIAL ACTS; AND

6 (2) THAT INDICATES WHETHER A NOTARY PUBLIC HAS NOTIFIED THE
7 SECRETARY OF STATE THAT THE NOTARY PUBLIC WILL BE PERFORMING NOTARIAL
8 ACTS ON ELECTRONIC RECORDS OR BY MEANS OF COMMUNICATION TECHNOLOGY.

9 18-222.

10 (A) EXCEPT AS PROVIDED IN § 18-203(B) OF THIS SUBTITLE, THE FAILURE
11 OF A NOTARIAL OFFICER TO PERFORM A DUTY OR MEET A REQUIREMENT SPECIFIED
12 IN THIS SUBTITLE DOES NOT INVALIDATE A NOTARIAL ACT PERFORMED BY THE
13 NOTARIAL OFFICER.

14 (B) THE VALIDITY OF A NOTARIAL ACT UNDER THIS SUBTITLE DOES NOT
15 PREVENT AN AGGRIEVED PERSON FROM SEEKING:

16 (1) TO INVALIDATE THE RECORD OR TRANSACTION THAT IS THE
17 SUBJECT OF THE NOTARIAL ACT UNDER ANOTHER LAW; OR

18 (2) OTHER REMEDIES ALLOWED UNDER FEDERAL OR STATE LAW.

19 (C) THIS SECTION DOES NOT VALIDATE A PURPORTED NOTARIAL ACT
20 PERFORMED BY AN INDIVIDUAL WHO DOES NOT HAVE THE AUTHORITY TO PERFORM
21 NOTARIAL ACTS.

22 18-223.

23 (A) (1) THE SECRETARY OF STATE MAY ADOPT REGULATIONS TO
24 IMPLEMENT THIS SUBTITLE.

25 (2) REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS
26 SUBSECTION REGARDING THE PERFORMANCE OF NOTARIAL ACTS WITH RESPECT TO
27 ELECTRONIC RECORDS MAY NOT REQUIRE OR ACCORD GREATER LEGAL STATUS OR
28 EFFECT TO THE IMPLEMENTATION OR APPLICATION OF A SPECIFIC TECHNOLOGY
29 OR TECHNICAL SPECIFICATION.

1 **(3) REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS**
2 **SUBSECTION REGARDING PERFORMANCE OF A NOTARIAL ACT MAY:**

3 **(I) PRESCRIBE THE MEANS OF PERFORMING A NOTARIAL ACT**
4 **INVOLVING A REMOTELY LOCATED INDIVIDUAL USING COMMUNICATION**
5 **TECHNOLOGY;**

6 **(II) ESTABLISH STANDARDS FOR COMMUNICATION**
7 **TECHNOLOGY, CREDENTIAL ANALYSIS, AND IDENTITY PROOFING;**

8 **(III) ESTABLISH REQUIREMENTS OR PROCEDURES TO APPROVE**
9 **PROVIDERS OF COMMUNICATION TECHNOLOGY AND THE PROCESSES OF**
10 **CREDENTIAL ANALYSIS AND IDENTITY PROOFING; AND**

11 **(IV) ESTABLISH STANDARDS AND A PERIOD OF RETENTION OF**
12 **AN AUDIO-VISUAL RECORDING CREATED UNDER § 18-214(A)(3) OF THIS SUBTITLE.**

13 **(4) REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS**
14 **SUBSECTION MAY:**

15 **(I) PRESCRIBE THE MANNER OF PERFORMING NOTARIAL ACTS**
16 **REGARDING TANGIBLE AND ELECTRONIC RECORDS;**

17 **(II) INCLUDE PROVISIONS TO ENSURE THAT ANY CHANGE TO OR**
18 **TAMPERING WITH A RECORD BEARING A CERTIFICATE OF A NOTARIAL ACT IS**
19 **SELF-EVIDENT;**

20 **(III) INCLUDE PROVISIONS TO ENSURE INTEGRITY IN THE**
21 **CREATION, TRANSMITTAL, STORAGE, OR AUTHENTICATION OF ELECTRONIC**
22 **RECORDS OR SIGNATURES;**

23 **(IV) IF THE GOVERNOR HAS DELEGATED AUTHORITY UNDER §**
24 **18-104(B) OF THIS TITLE, PRESCRIBE THE PROCESS OF GRANTING, RENEWING,**
25 **CONDITIONING, DENYING, SUSPENDING, OR REVOKING A NOTARY PUBLIC**
26 **COMMISSION AND ASSURING THE TRUSTWORTHINESS OF AN INDIVIDUAL HOLDING**
27 **A COMMISSION AS A NOTARY PUBLIC; AND**

28 **(V) INCLUDE PROVISIONS TO PREVENT FRAUD OR MISTAKE IN**
29 **THE PERFORMANCE OF NOTARIAL ACTS.**

30 **(B) IN ADOPTING REGULATIONS UNDER SUBSECTION (A) OF THIS SECTION**
31 **REGARDING NOTARIAL ACTS PERFORMED WITH RESPECT TO ELECTRONIC RECORDS**
32 **OR FOR A REMOTELY LOCATED INDIVIDUAL, THE SECRETARY OF STATE SHALL**

1 CONSIDER, SO FAR AS IS CONSISTENT WITH THIS SUBTITLE:

2 (1) THE MOST RECENT STANDARDS REGARDING ELECTRONIC
3 RECORDS PROMULGATED BY NATIONAL BODIES, SUCH AS THE NATIONAL
4 ASSOCIATION OF SECRETARIES OF STATE;

5 (2) STANDARDS, PRACTICES, AND CUSTOMS OF OTHER
6 JURISDICTIONS THAT SUBSTANTIALLY ENACT THIS SUBTITLE; AND

7 (3) THE VIEWS OF GOVERNMENT OFFICIALS AND ENTITIES AND
8 OTHER INTERESTED PERSONS.

9 18-224.

10 (A) (1) UNLESS THE SECRETARY OF STATE ADOPTS AN APPLICABLE AND
11 SUPERSEDING REGULATION UNDER § 18-223 OF THIS SUBTITLE IN THE MANNER
12 PROVIDED IN THIS SUBSECTION, A NOTARY PUBLIC SHALL COMPLY WITH THE
13 REQUIREMENTS OF THIS SECTION WHEN PERFORMING A NOTARIAL ACT WITH
14 RESPECT TO AN ELECTRONIC RECORD OR A REMOTELY LOCATED INDIVIDUAL.

15 (2) A REGULATION ADOPTED BY THE SECRETARY OF STATE MAY
16 SUPERSEDE A REQUIREMENT OF THIS SECTION IF THE REGULATION REFERENCES
17 THIS SECTION AND SPECIFIES THE REQUIREMENT TO BE SUPERSEDED.

18 (B) IDENTITY PROOFING AND CREDENTIAL ANALYSIS SHALL BE
19 PERFORMED BY A REPUTABLE THIRD PARTY WHO HAS PROVIDED EVIDENCE TO THE
20 NOTARY PUBLIC OF THE ABILITY TO SATISFY THE REQUIREMENTS OF THIS SECTION.

21 (C) IDENTITY PROOFING SHALL BE PERFORMED THROUGH A DYNAMIC
22 KNOWLEDGE-BASED AUTHENTICATION THAT MEETS THE FOLLOWING
23 REQUIREMENTS:

24 (1) EACH REMOTELY LOCATED INDIVIDUAL MUST ANSWER A QUIZ
25 CONSISTING OF A MINIMUM OF FIVE QUESTIONS RELATED TO THE INDIVIDUAL'S
26 PERSONAL HISTORY OR IDENTITY, FORMULATED FROM PUBLIC OR PRIVATE DATA
27 SOURCES;

28 (2) EACH QUESTION MUST HAVE A MINIMUM OF FIVE POSSIBLE
29 ANSWER CHOICES;

30 (3) AT LEAST 80% OF THE QUESTIONS MUST BE ANSWERED
31 CORRECTLY;

1 **(4) ALL QUESTIONS MUST BE ANSWERED WITHIN 2 MINUTES;**

2 **(5) IF THE REMOTELY LOCATED INDIVIDUAL FAILS THE FIRST**
3 **ATTEMPT, THE INDIVIDUAL MAY RETAKE THE QUIZ ONE TIME WITHIN 24 HOURS;**

4 **(6) DURING A RETAKE OF THE QUIZ, A MINIMUM OF 40% OF THE**
5 **PRIOR QUESTIONS MUST BE REPLACED;**

6 **(7) IF THE REMOTELY LOCATED INDIVIDUAL FAILS THE SECOND**
7 **ATTEMPT, THE INDIVIDUAL IS NOT ALLOWED TO RETRY WITH THE SAME NOTARY**
8 **PUBLIC WITHIN 24 HOURS OF THE SECOND FAILED ATTEMPT; AND**

9 **(8) THE NOTARY PUBLIC MUST NOT BE ABLE TO SEE OR RECORD THE**
10 **QUESTIONS OR ANSWERS.**

11 **(D) CREDENTIAL ANALYSIS MUST USE PUBLIC OR PRIVATE DATA SOURCES**
12 **TO CONFIRM THE VALIDITY OF AN IDENTIFICATION CREDENTIAL PRESENTED BY A**
13 **REMOTELY LOCATED INDIVIDUAL AND SHALL, AT A MINIMUM:**

14 **(1) USE AUTOMATED SOFTWARE PROCESSES TO AID THE NOTARY**
15 **PUBLIC IN VERIFYING THE IDENTITY OF EACH REMOTELY LOCATED INDIVIDUAL;**

16 **(2) ENSURE THAT THE IDENTIFICATION CREDENTIAL PASSES AN**
17 **AUTHENTICITY TEST, CONSISTENT WITH SOUND COMMERCIAL PRACTICES THAT:**

18 **(I) USE APPROPRIATE TECHNOLOGIES TO CONFIRM THE**
19 **INTEGRITY OF VISUAL, PHYSICAL, OR CRYPTOGRAPHIC SECURITY FEATURES;**

20 **(II) USE APPROPRIATE TECHNOLOGIES TO CONFIRM THAT THE**
21 **IDENTIFICATION CREDENTIAL IS NOT FRAUDULENT OR INAPPROPRIATELY**
22 **MODIFIED;**

23 **(III) USE INFORMATION HELD OR PUBLISHED BY THE ISSUING**
24 **SOURCE OR AN AUTHORITATIVE SOURCE, AS AVAILABLE, TO CONFIRM THE VALIDITY**
25 **OF PERSONAL DETAILS AND IDENTIFICATION CREDENTIAL DETAILS; AND**

26 **(IV) PROVIDE OUTPUT OF THE AUTHENTICITY TEST TO THE**
27 **NOTARY PUBLIC; AND**

28 **(3) ENABLE THE NOTARY PUBLIC VISUALLY TO COMPARE FOR**
29 **CONSISTENCY THE INFORMATION AND PHOTO ON THE IDENTIFICATION**
30 **CREDENTIAL AND THE REMOTELY LOCATED INDIVIDUAL AS VIEWED BY THE NOTARY**
31 **PUBLIC IN REAL TIME THROUGH COMMUNICATION TECHNOLOGY.**

1 **(E) (1) COMMUNICATION TECHNOLOGY SHALL PROVIDE REASONABLE**
2 **SECURITY MEASURES TO PREVENT UNAUTHORIZED ACCESS TO:**

3 **(I) THE LIVE TRANSMISSION OF THE AUDIO-VISUAL FEEDS;**

4 **(II) THE METHODS USED TO PERFORM CREDENTIAL ANALYSIS**
5 **AND IDENTITY PROOFING; AND**

6 **(III) THE ELECTRONIC RECORD THAT IS THE SUBJECT OF THE**
7 **NOTARIAL ACT.**

8 **(2) IF A REMOTELY LOCATED INDIVIDUAL MUST EXIT THE**
9 **WORKFLOW, THE REMOTELY LOCATED INDIVIDUAL MUST MEET THE CRITERIA OF**
10 **THIS SECTION AND RESTART CREDENTIAL ANALYSIS AND IDENTITY PROOFING**
11 **FROM THE BEGINNING.**

12 **(F) (1) A NOTARY PUBLIC SHALL ATTACH OR LOGICALLY ASSOCIATE THE**
13 **NOTARY PUBLIC'S ELECTRONIC SIGNATURE AND OFFICIAL STAMP TO AN**
14 **ELECTRONIC RECORD BY USE OF A DIGITAL CERTIFICATE COMPLYING WITH THE**
15 **X.509 STANDARD ADOPTED BY THE INTERNATIONAL TELECOMMUNICATION UNION**
16 **OR A SIMILAR INDUSTRY-STANDARD TECHNOLOGY.**

17 **(2) A NOTARY PUBLIC MAY NOT PERFORM A NOTARIAL ACT WITH**
18 **RESPECT TO AN ELECTRONIC RECORD IF THE DIGITAL CERTIFICATE:**

19 **(I) HAS EXPIRED;**

20 **(II) HAS BEEN REVOKED OR TERMINATED BY THE ISSUING OR**
21 **REGISTERING AUTHORITY;**

22 **(III) IS INVALID; OR**

23 **(IV) IS INCAPABLE OF AUTHENTICATION.**

24 **(G) (1) A NOTARY PUBLIC SHALL RETAIN A JOURNAL REQUIRED UNDER §**
25 **18-219 OF THIS SUBTITLE AND ANY AUDIO-VISUAL RECORDINGS REQUIRED UNDER**
26 **§ 18-214 OF THIS SUBTITLE IN A COMPUTER OR OTHER ELECTRONIC STORAGE**
27 **DEVICE THAT PROTECTS THE JOURNAL OR AUDIO-VISUAL RECORDINGS AGAINST**
28 **UNAUTHORIZED ACCESS BY PASSWORD OR CRYPTOGRAPHIC PROCESS.**

29 **(2) (I) A NOTARY PUBLIC MAY, BY WRITTEN CONTRACT, ENGAGE A**
30 **THIRD PARTY TO ACT AS A REPOSITORY TO PROVIDE THE STORAGE REQUIRED BY**

1 PARAGRAPH (1) OF THIS SUBSECTION.

2 (II) THE CONTRACT SHALL:

3 1. ENABLE THE NOTARY PUBLIC TO COMPLY WITH THE
4 RETENTION REQUIREMENTS OF THIS SUBTITLE EVEN IF THE CONTRACT IS
5 TERMINATED; OR

6 2. PROVIDE THAT THE INFORMATION WILL BE
7 TRANSFERRED TO THE NOTARY PUBLIC IF THE CONTRACT IS TERMINATED.

8 (3) A THIRD PARTY UNDER CONTRACT WITH A NOTARY PUBLIC
9 UNDER THIS SUBSECTION SHALL BE DEEMED A REPOSITORY APPROVED BY THE
10 SECRETARY OF STATE UNDER § 18-219 OF THIS SUBTITLE.

11 18-225.

12 (A) A COMMISSION AS NOTARY PUBLIC DOES NOT AUTHORIZE AN
13 INDIVIDUAL TO:

14 (1) ASSIST A PERSON IN DRAFTING LEGAL RECORDS, GIVE LEGAL
15 ADVICE, OR OTHERWISE PRACTICE LAW;

16 (2) ACT AS AN IMMIGRATION CONSULTANT OR AN EXPERT ON
17 IMMIGRATION MATTERS;

18 (3) REPRESENT A PERSON IN A JUDICIAL OR ADMINISTRATIVE
19 PROCEEDING RELATING TO IMMIGRATION TO THE UNITED STATES, UNITED STATES
20 CITIZENSHIP, OR RELATED MATTERS; OR

21 (4) RECEIVE COMPENSATION FOR PERFORMING ANY OF THE
22 ACTIVITIES LISTED IN ITEMS (1) THROUGH (3) OF THIS SUBSECTION.

23 (B) A NOTARY PUBLIC MAY NOT ENGAGE IN FALSE OR DECEPTIVE
24 ADVERTISING.

25 (C) A NOTARY PUBLIC MAY NOT USE THE TERM “NOTARIO” OR “NOTARIO
26 PUBLICO” UNLESS THE NOTARY PUBLIC IS AN ATTORNEY LICENSED TO PRACTICE
27 LAW IN THE STATE.

28 (D) (1) A NOTARY PUBLIC MAY NOT ADVERTISE OR REPRESENT THAT THE
29 NOTARY PUBLIC MAY ASSIST PERSONS IN DRAFTING LEGAL RECORDS, GIVE LEGAL
30 ADVICE, OR OTHERWISE PRACTICE LAW UNLESS THE NOTARY PUBLIC IS AN

1 ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE.

2 (2) (I) IF A NOTARY PUBLIC WHO IS NOT AN ATTORNEY LICENSED
3 TO PRACTICE LAW IN THE STATE IN ANY MANNER ADVERTISES OR REPRESENTS
4 THAT THE NOTARY PUBLIC OFFERS NOTARIAL SERVICES, WHETHER ORALLY OR IN A
5 RECORD, INCLUDING BROADCAST MEDIA, PRINT MEDIA, AND THE INTERNET, THE
6 NOTARY PUBLIC SHALL INCLUDE THE FOLLOWING STATEMENT, OR AN ALTERNATE
7 STATEMENT AUTHORIZED OR REQUIRED BY THE SECRETARY OF STATE, IN THE
8 ADVERTISEMENT OR REPRESENTATION: "I AM NOT AN ATTORNEY LICENSED TO
9 PRACTICE LAW IN THIS STATE. I AM NOT ALLOWED TO DRAFT LEGAL RECORDS, GIVE
10 ADVICE ON LEGAL MATTERS, INCLUDING IMMIGRATION, OR CHARGE A FEE FOR
11 THOSE ACTIVITIES."

12 (II) THE STATEMENT REQUIRED UNDER SUBPARAGRAPH (I) OF
13 THIS PARAGRAPH SHALL BE INCLUDED PROMINENTLY AND IN EACH LANGUAGE
14 USED IN THE ADVERTISEMENT OR REPRESENTATION.

15 (III) IF THE FORM OF ADVERTISEMENT OR REPRESENTATION IS
16 NOT BROADCAST MEDIA, PRINT MEDIA, OR THE INTERNET AND DOES NOT ALLOW
17 INCLUSION OF THE STATEMENT REQUIRED UNDER SUBPARAGRAPH (I) OF THIS
18 PARAGRAPH BECAUSE OF SIZE, THE STATEMENT SHALL BE PROMINENTLY
19 DISPLAYED OR PROVIDED AT THE PLACE OF PERFORMANCE OF THE NOTARIAL ACT
20 BEFORE THE NOTARIAL ACT IS PERFORMED.

21 (E) EXCEPT AS OTHERWISE ALLOWED BY LAW, A NOTARY PUBLIC MAY NOT
22 WITHHOLD ACCESS TO OR POSSESSION OF AN ORIGINAL RECORD PROVIDED BY A
23 PERSON THAT SEEKS PERFORMANCE OF A NOTARIAL ACT BY THE NOTARY PUBLIC.

24 18-226.

25 IN APPLYING AND CONSTRUING THIS SUBTITLE, CONSIDERATION SHALL BE
26 GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT TO ITS
27 SUBJECT MATTER AMONG STATES THAT ENACT IT.

28 18-227.

29 THIS SUBTITLE MODIFIES, LIMITS, AND SUPERSEDES THE ELECTRONIC
30 SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT, 15 U.S.C. SECTION 7001
31 ET SEQ., BUT DOES NOT MODIFY, LIMIT, OR SUPERSEDE SECTION 101(C) OF THAT
32 ACT, 15 U.S.C. SECTION 7001(C), OR AUTHORIZE ELECTRONIC DELIVERY OF ANY OF
33 THE NOTICES DESCRIBED IN SECTION 103(B) OF THAT ACT, 15 U.S.C. 7003(B).

34 18-228.

1 **THIS SUBTITLE MAY BE CITED AS THE MARYLAND REVISED UNIFORM LAW ON**
2 **NOTARIAL ACTS.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 19–101 through
4 19–301 and the title “Title 19. Acknowledgments” of Article – State Government of the
5 Annotated Code of Maryland be repealed.

6 SECTION 3. AND BE IT FURTHER ENACTED, That a commission as a notary
7 public in effect on the effective date of this Act continues to be in effect until its date of
8 expiration.

9 SECTION 4. AND BE IT FURTHER ENACTED, That this Act does not affect the
10 validity or effect of a notarial act performed before the effective date of this Act.

11 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2019.