The State of Maryland

Executive Department

ORDER

OF THE

GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-09-29-01

AMENDING THE ORDER OF MARCH 30, 2020, AUTHORIZING REMOTE NOTARIZATIONS

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, and renewed on March 17, April 10, May 6, June 3, July 1, July 31, August 10, and September 8, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency continues to exist;

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and has been confirmed throughout Maryland;

WHEREAS, To reduce the spread of and exposures to COVID-19, the U.S. Centers for Disease Control and Prevention and the Maryland Department of Health, consistent with the currently known and available scientific evidence and best practices, recommend social distancing;

WHEREAS, It is necessary and reasonable to prevent the transmission of the novel coronavirus in the state, and save lives, for individuals to refrain from congregating;

WHEREAS, Emergency Order 20-03-30-04 was issued on March 30, 2020, to authorize remote notarizations in accordance with guidance of the Secretary of State to notaries public on the use of communication technology to perform notarial acts for remotely located individuals;

WHEREAS, Chapter 407 of the 2019 Laws of Maryland amends Title 18 of the State Government Article of the Maryland Code to permit notarial acts for remotely located individuals, and takes effect on October 1, 2020;

WHEREAS, The amendments excepted notarial acts for certain wills and trusts;

WHEREAS, It is necessary to protect the public health, welfare, or safety to suspend the effect of statutes, rules, or regulations that require personal interactions to complete original notarial acts for wills and trusts; and

WHEREAS, To reduce the threat to human health caused by COVID-19 in Maryland, protect the health and safety of Maryland residents requiring essential notarial services for wills and trusts, and save lives, it is necessary and reasonable to permit certain notarial acts to be performed remotely;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, DO HEREBY ORDER:

I. Emergency Order 20-03-30-04 of the Governor of the State of Maryland, dated March 30, 2020, entitled, "Authorizing Remote Notarizations," is amended and restated in its entirety as set forth herein.

II. Subject to all other applicable law, regulations, and guidance issued by the Secretary of State, notaries public located in Maryland may perform a notarial act using communication technology for a remotely located individual with respect to:

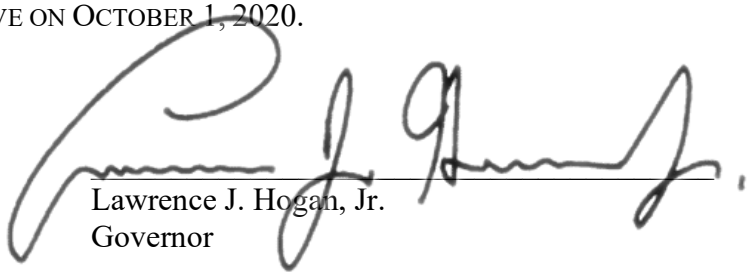
a. A will, as defined in § 1-101 of the Estates and Trusts Article of the Maryland Code ("ET"); and

b. A trust instrument, as defined in ET § 14.5-103.

III. To the extent inconsistent with this order, the effect of §18-214(a) of the State Government Article of the Maryland Code, and any statute, rule, or regulation of an agency of the State or a political subdivision, is hereby suspended.

IV. This Order remains effective until the termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded, except as may be rescinded, superseded, amended, or revised by additional orders.

ISSUED UNDER MY HAND THIS 29TH DAY OF SEPTEMBER, 2020, TO BE EFFECTIVE ON OCTOBER 1, 2020.



Lawrence J. Hogan, Jr.
Governor