

**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

**Title 09**  
**MARYLAND DEPARTMENT**  
**OF LABOR**  
**Subtitle 12 DIVISION OF LABOR AND**  
**INDUSTRY**

**09.12.56 Maryland Swimming Pool and Spa Standards**

*Authority: Public Safety Article, §§12-1203 and 12-1207(a)(2), Annotated Code of Maryland*

**Notice of Proposed Action**

[23-249-P-I]

The Secretary of Labor proposes to adopt new Regulations .01—.05 under a new chapter, **COMAR 09.12.56 Maryland Swimming Pool and Spa Standards.**

**Statement of Purpose**

The purpose of this action is to incorporate by reference the first edition of the most recent version of the International Swimming Pool and Spa Code as the Maryland Swimming Pool and Spa Standards. This action also clarifies when the new Standards apply, amends the adopted code to replace references with the appropriate Maryland Accessibility and Fire Prevention Codes, and increases public pool barrier height requirements to match the existing the Maryland Department of Health requirements.

**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 Michelle F Vanreusel, Deputy Commissioner, Division of Labor and Industry, 10946 Golden West Drive, Suite 160, Hunt Valley, MD 21031, or call 410-767-2225, or email to dli.regulations+pool@maryland.gov. Comments will be accepted through December 18, 2023. A public hearing on the amendments will be held on December 7, 2023, at 10 a.m., at 10946 Golden West Drive, Suite 160, Hunt Valley, MD 21031. Additional details will be posted at <https://www.labor.maryland.gov/labor/build/>.

**Editor’s Note on Incorporation by Reference**

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the 2021 International Pool and Spa Code (ISPSC), International Code Council, has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 50:1 Md. R. 7 (January 13, 2023), and is available online at [www.dsd.state.md.us](http://www.dsd.state.md.us). The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

**.01 Purpose.**

The purpose of this chapter is to adopt the International Swimming Pool and Spa Code (ISPSC).

**.02 Scope.**

A. Except as provided in §B of this regulation, the Standards shall apply to all swimming pools and spas for which an application for a building permit is received by a local jurisdiction on or after December 31, 2023.

B. The Standards adopted under this chapter do not apply to a swimming pool or spa built and in operation before December 31, 2023, unless there is an alteration or repair that results in a substantial and material structural change to the swimming pool or spa that occurs on or after December 31, 2023.

C. If there is an alteration or repair to a swimming pool or spa built and in operation before December 31, 2023, that results in a substantial or material structural change, the alteration or repair shall conform to the Standards.

**.03 Incorporation by Reference.**

The 2021 International Swimming Pool and Spa Code (ISPSC), International Code Council, is incorporated by reference.

**.04 Definitions.**

“Substantial and material structural change” means an alteration or repair that:

A. Increases the volume of the swimming pool or spa by 15 percent or more; or

B. Decreases the flow capacity of the swimming pool or spa by 15 percent or more.

**.05 Amendments.**

A. Chapter 3. Rename Section 305.2 to “Applicability” and replace the text with the following:

(1) A public swimming pool or spa shall be surrounded by a barrier that complies with Sections 305.2.1 through 305.7, except that the top of the barrier where measured on the side of the barrier that faces away from the swimming pool or spa shall be not less than:

(a) 72 inches (1828mm) above grade for a Class A, B, or D swimming pool or spa;

(b) 60 inches (1524mm) above grade for a Class C or E swimming pool or spa; and

(c) 36 inches (914.4mm) above grade for a wading pool.

(2) Non-public outdoor swimming pools and spas and indoor swimming pools shall be surrounded by a barrier that complies with Sections 305.2.1 through 305.7.

B. In Section 307.1.4, where “International Building Code” appears, substitute “Maryland Accessibility Code” and, where “ICC A117.1” appears, substitute “Maryland Accessibility Code”.

C. In Section 324.7.1, where “International Fire Code” appears, substitute “Maryland State Fire Prevention Code.”

PORTIA WU  
Secretary of Labor

# Title 14 INDEPENDENT AGENCIES

## Subtitle 22 COMMISSION ON CRIMINAL SENTENCING POLICY

### 14.22.01 General Regulations

Authority: Criminal Procedure Article, §6-211, Annotated Code of Maryland

#### Notice of Proposed Action

[23-241-P]

The Maryland State Commission on Criminal Sentencing Policy proposes to amend Regulations .02, .03, and .07—.11 under **COMAR 14.22.01 General Regulations**. This action was considered at an open meeting on September 12, 2023, notice of which was provided in 50:17 Md. R. 782 (August 25, 2023).

#### Statement of Purpose

The purpose of this action is threefold. The first purpose is to modify Regulation .02 under COMAR 14.22.01 General Regulations to add the definition of a feigned weapon and to clarify that sentences to probation before judgement (PBJ) pursuant to either CP, §6-220(b) or CP, §6-220(c) are included in the definition of adjudications. Regarding the latter, Ch. 711 (S.B. 211), Acts of 2023, amends CP, §6-220 to create an additional type of PBJ that allows offenders to plead not guilty while still maintaining the benefits of a traditional PBJ. The new PBJ will be codified in CP, §6-220(c), effective October 1, 2023. The traditional PBJ will continue to be codified in CP, §6-220(b). The second purpose of this action is to modify Regulations .02, .03, .07, .08, .09, .10, and .11 under COMAR 14.22.01 General Regulations to replace references to “adjudication of guilt” with “adjudication”, “convicted offense” with “offense”, and “conviction” with “adjudication” or “offense” in instances where the intended meaning of “conviction” includes PBJs pursuant to either CP, §6-220(b) or CP, §6-220(c). Finally, the third purpose of this action is to modify Regulation .09 under COMAR 14.22.01 General Regulations to specify that a feigned weapon shall be scored 1 point under part C (weapon presence) of the offense score.

#### 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 David Soule, Executive Director, Maryland State Commission on Criminal Sentencing Policy, 4511 Knox Rd., Suite 309, College Park, MD 20740, or call 301-403-4165, or email to dsoule@umd.edu. Comments will be accepted through December 18, 2023. A public hearing has not been scheduled.

**.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) “Adjudication” includes a:

(a)—(c) (text unchanged)